

DOCUMENTS ON KASHMIR PROBLEM

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SECURITY COUNCIL MEETING

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Introduction

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947, was the result of the growth of National consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". Inspites, this antifeudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency, of 1931 awakened the national aspirations of the Kashmiris, which ultimately helped in the emergence of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and

submitted a memorandum to the Cabinet Mission of 1946 demanding absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim League. It also salvaged the tradition of secular nationalism in Kashmir. Launching this struggle for a decisive victory, Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India." When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people. . . the rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right." The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest whole valley rose in an uprising. On 19 June 1946 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress president that people in Kashmir were groaning under the reign of terror. Mahatma Gandhi visited Kashmir in August 1974 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim communalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade

and the peoples' militia to defeat the aggression of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyan of nationalism, succeeded in restoring Hindu-Muslim harmony in the valley when the rest of India was burning by communal holocaust. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah and the establishment of popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 (S/628). Pakistan made counter complaint (S/646) but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government." After debate the Security Council passed to resolution (S/651 and S/654). It appointed a three member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts (S/1100 ; S/1196, and S/1430). Part first of the report contained provisions for a cease fire. Part two dealt with a truce agreement, and Part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 6 January 1949 dealing with the plebiscite. The ceasefire came into effect by 1 January 1949 and a ceasefire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The security Council then appointed mediators. In 1949 General McNaughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite (S/1791). Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate,

however, he suggested a direct negotiation between India and Pakistan. He submitted five reports S/2375, S/2448, S/2611 S/2783 and S/2967.

In July August 1953 and in May 1955 the Prime Minister of both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting and change in the new Constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to accept a plebiscite (SCOR, 12th Yr., Mtg. 761). Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. (SCOR, 12th Yr. Mtgs. 762, 723 and 794). The Security Council favoured plebiscite by adopting a resolution (S/3739) on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution, (S/2821).

Meanwhile, the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of minority to Hindu majority views as well as uniformity by force. In Kashmir this Hindu lobby started non-co-operation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS and even by the Akali Leader Master Tara Singh and Mr. S.P. Mookerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Moorkerjee called this policy as "national liability". This non-co-operation was also supported by Jayaprakash Narayan and Acharya Kripalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence

in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimately. Sheikh Abdullah now came to the conclusion "that there was no middle course between full integration and full autonomy, and as the majority in Kashmir would not accept the first alternative, there was no choice but to accept the second."

Finally on midnight of 8-9 August 1953, the popularly elected leader of Kashmir was dismissed and imprisoned in a most undemocratic and uncereimonious fashion by violating the special provisions made in the Article 370 of the Constitution.

On 2 December 1957 Security Council passed a resolution S/3922 after considering the Jarring report and directed P. Graham to make recommendations (S/3984) to the parties for facilitating a peaceful settlement and for the implementation of the resolution of the UNCIP of 13 August 1948 and 5 January 1949. The Graham report was rejected by India.

During Ayub Khan's regime Nehru-Ayub talks commenced in 1959 and 1960. On 6 October 1960 President Ayub Khan gave a threat of Military settlement of the Kashmir Problems. Threats and counter threats continued till Chinese aggression on India in October 1962. Besides Pakistani slogan of *Jehad* President Ayub Khan put pressure on USA to exercise its influence for the settlement of the Kashmir issue. The matter was again raised in the Security Council on 1 February 1962 by Pakistan Permanent Representative Zafrullah Khan who asked the Council to take up the consideration of the dispute and to secure to the Kashmiri people their right of self-determination (SCOR: 17 Yr. Mtgs. 990). In the subsequent meeting of the Security Council (Mtgs. 1007 to 1016) Mr. Zafrullah Khan put forward his arguments in support of Pakistan's claim over Kashmir. Mr. C. S. Jha, India's permanent representative to the UN and Defence Minister Krishna Menon contested the Pakistani contentions (SCOR, Mtg. nos. 1009, 1011 and 1016) and supported by the U.S. representative and Indian position by the Soviet and Rumanian representatives. US and British

representatives on 27 April 1962 tried to persuade the UN Secretary General U Thant for negotiating settlement. The issue was again raised by Mr. Plimpton, US representative, on 21 June 1962 and on 22 June 1962 when he succeeded in persuading the Irish representative to introduce draft resolution which was vetoed out by the Soviet Union (SCOR, 17 Yr. Mtg. 1016) Prime Minister Jawaharlal Nehru expressed deep concern over the attitude of Great Powers—the U.S.A. and the U.K. After the Chinese invasion on India both Nehru and Ayub agreed for negotiated settlement. Six round of Bhutto—Swaran Singh talks were held between 27 December 1962 to 16 May 1963. The talks failed on the question of distribution of areas.

The disturbances in Kashmir on the disappearance of the hair of prophet Mohammad from the Hazaratbal shrine on the night of 26-27 December 1963 gave opportunity to Pakistan to raise Kashmir question in the Security Council. Though the hair was recovered, Pakistan's Minister of External Affairs, Z.A. Bhutto sent a letter to the Security Council for an urgent meeting (S/5516) to debate on grave situation of the State. Mr. Bhutto asked for a "move towards an honourable and joint solution" of the problem in Security Council's meetings held between 7 February to 11 May 1964 (Mtgs. Nos. 1087, 1089, 1104, 1112 and 1114). Refuting the charges Mr. M.C. Chagla and Mr. B.N. Chakraverti described the incident as "purely a domestic matter". (Mtgs. nos. 1088, 1104, 1113 and 1115). Though Mr. Roger Seydoux, President of the Council submitted his statement on 18 May 1964 but nothing tangible came out of the debate (SCOR, Mtg. no. 117).

The Indian government released Sheikh Abdullah on 8 April 1964 withdrawing all charges against him. He was sent to Pakistan to resolve the issue but sudden death of Nehru on 27 May 1964 dashed all hopes. Ayub-Shastri meeting on 12 October 1964 at Karachi and J.P. Narayan's visit to Pakistan brought no change in the attitude of both the countries. Meanwhile Sheikh Abdullah was again arrested on 8 May 1965

on charge anti-India propaganda. Sino-Pak unison persuaded Pakistan to send armed infiltration into the valley from 6 August 1965. India reacted against this attack specially in the Chhamb. The war was stopped on 22 September. Tashkent Declarations, signed on 10 January 1966 restored the *status quo* in Jammu and Kashmir as it was existed before the 5 August 1965. The Pakistan Foreign Secretary Aziz Ahmed and later on 14 January 1966 President Ayub Khan declared that peace could not be achieved unless the dispute over Jammu and Kashmir was settled honourably and equitably. Bhutto also blamed India for creation of the problem. Talking to the British Prime Minister Harold Wilson on 23 November 1966, Pakistani President Ayub Khan said that people of Kashmir "did not like Indian rule" and added that India did not honour the commitment under the Tashkent Declaration. Not only this while speaking before the UN General Assembly meeting on 29 September 1966 Pakistan Foreign Minister, Sharifuddin Pirzada accused India for not honouring the UNCIP resolution of 13 August 1948 and 5 January 1949 about holding of a free and impartial plebiscite (GAOR, Pl. Mtg. 1423). He also tried to raise this issue in the Commonwealth Prime Minister's meeting held in London on 13 September 1966. He charged the Indian government with reluctance to allow the Kashmiri people to exercise the right of self determination. Even Prime Minister Mrs. Indira Gandhi gave a statement in Lok Sabha that "India is not obliged by the Tashkent Declaration to settle the Kashmir dispute with Pakistan". Pakistan government started anti-India propaganda. Ayub Khan described Indian army as "special danger to Pakistan". He stressed on the solution of the Kashmir problem. On 10 October 1967 Pakistani Foreign Minister Mr. S. Pirzada raised a question in the UN General Assembly meeting (GAOR, Pl. Mt. 1584) and demanded "self-determination" for the people of Kashmir to which India was committed. Similar demands were made by Arshad Hussain, the new foreign minister of Pakistan in the UN General Assembly meeting (GAOR, Pl. Mtg. 1982) and Pakistan's National Affairs Minister Nawabzada Muhammad Sher Ali Khan, (GAOR Pl. Mtg. 1775) on October 2, 1969.

Pakistani Home Minister Sardar Hamid accused India for avoiding discussions in the United Nations (GAOR, Pln. Mtg. 1853) on 29 September 1970. Weanwhile, Pakistani press, specially *Pakistan Times* and *Dawn* made vehement propaganda against India. "That India is suppressing freedom of the press in occupied Kashmir and adopting ruthless measures in curbing the students and youth" Kashmiris are treated as second class citizens. Pakistan supported the terrorists in Kashmir.

A hand grenade was thrown on the Kashmir Chief Minister, G.M. Sadiq on 16 May 1966. Terrorists confessed that they were imparted training by Pakistani officers. The subversive activities of the Pakistani infiltrators continued till date. The cease fire violations took place frequently. Both India and Pakistan accused each other for violation of cease-fire agreement. In short Kashmir remained full disturbed between 1966 and 1969.

Pakistan protested strongly against India's measures to extend the application of Indian laws to Kashmir and described these contrary to the UNCIP and other resolutions of the United Nations. These bills, according to Pakistan, would give sweeping powers to the Indian Government to outlaw any organisation or any individual found guilty of questioning the India's sovereignty over any of the territories.

On 11 January 1968 Prime Minister Mrs. Indira Gandhi and Deputy Prime Minister, Morarji Desai desired to normalise relations with Pakistan by implementation of Tashkent Agreement but Pakistan did not respond favourably. Pakistan was insisting on "meaningful discussions on Kashmir". India's appeal to Pakistan for non-war pact was turned down by Ayub Khan who discribed this proposal as "misleading" unless Kashmir dispute was solved. During the time Sheikh Abdullah and Mirza Afzal Beg were released from Jail on 3 January 1968. They demanded self determination for the Kashmiris. The hostile and anti-India attitude of Sheikh Abdullah put India in embarrassing situation.

General A.M. Yahya Khan who assumed the charge from President Ayub Khan on 25 March 1969 showed his willingness for some time to establish a peaceful atmosphere between the two countries. Mrs. Indira Gandhi sent a personal letter to Mr. Khan on 22 June 1969 and suggested to revive the no-war pact proposal and a joint machinery to examine comprehensively all aspects of normalisation of relation. General Yahya Khan accepted the proposal with provision that the machinery of Indo-Pakistani body should discuss all issues including Kashmir and Farakka barrage. But after the exchange of letters between the two governments, no follow-up actions could be taken up by either of the governments. Instead President Yahya Khan banned all the exchange of printed materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z.A. Bhutto advocated for quasi-military approach for the solution. Ashohar Khan recommended Algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z.A. Bhutto exploited the situation by raising war bogy against India. He formed Pakistan People's Party on 1 December 1967. December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India-Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airlines plane was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of

1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. President Zia-ul-Haq, Prime Minister Benazir Bhutto, Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

Documents on Kashmir Problem is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications of the Government of India and Pakistan, United Nations official documents, treatments, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly—and Parliamentary debates—reports and recommendations, letters, telegrammes etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue. Compilers have made an honest attempt to be objective and impartial in compiling, editing and presenting the documents, to prove their authenticity the sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library New Delhi for the help rendered to us during our visits there.

**76. Text of the Speech made by Mr. Von Balluseck
(Netherlands) in the Security Council Meeting
No. 566 held on 10 November 1951**

The very serious issue before us, which has endangered the relations between two great nations of the Asiatic sub-continent for almost four years, has not yet found a just and reasonable solution acceptable to the parties. As a result of this absence of agreement it has remained impossible for the people of the State of Jammu and Kashmir as a whole to exercise their fundamental right of self-determination, although this right is not contested by the parties. On the contrary, the right of self-determination for the people of the State of Jammu and Kashmir has been clearly and formally recognized and accepted by all concerned. The lack of agreement therefore does not concern this right of self-determination. It concerns the ways and means and procedures to establish the conditions for a fair expression of the will of the people of the State of Jammu and Kashmir who want to make their choice free from any kind of fear or intimidation.

When I spoke about this problem before the Council on 29 March 1951, I contended that the issue should, in the last analysis, be decided by the people of the State of Jammu and Kashmir themselves, and not the rulers heretofore placed over them, and that no prearranged political organization in any part of the State concerned, and set up under the auspices of authorities which had already made their choice should interfere with their complete freedom of choice.

For that reason my Government welcomed the paragraphs in the preamble of the resolution adopted by the Security Council on 30 March 1951 to the effect that the convening of a Construction Assembly for the purpose of determining "the future shape and affiliation of the State of Jammu and Kashmir" could not constitute a disposition of the State in accordance with principle of determination through the democratic methods

of a free and impartial plebiscite set up under the auspices of the United Nations. In this respect I associate myself entirely with what was said just now on this aspect of the matter by the representatives of the United Kingdom and the United States.

We have now before us a draft resolution submitted by the United Kingdom and the United States of America based on the recommendations of the report of Mr. Frank P. Graham. It should be recalled that Mr. Graham and his very capable assistants arrived on the sub-continent on 30 June 1951. We know that he and his staff have done their utmost to conform to the terms of reference which required him to report to the Security Council within three months of the date of his arrival on the sub-continent.

It was our firm hope that the United Nations representative for India and Pakistan would, at the end of this term, be able to announce complete agreement between the parties, and it is a matter of deep regret to us that this has not been possible and that a further extension of time for negotiations seems to be inevitable. We know full well that the matter under consideration is not an easy one. We know that although the parties have agreed on the necessity for a fair plebiscite, and even on the principles for demilitarization, which must establish just conditions for such a plebiscite, there has been and still is, disagreement as regards the interpretation of these principles. This difference of interpretation has made it impossible so far to formulate a truce agreement, and in the absence of such a truce agreement, implementation of the demilitarization remains impossible.

It is in our opinion, one of the great merits of Mr. Graham's report that he has analysed the question of demilitarization in a very clear and concise manner. He has put before us a number of proposals which he placed before the parties, and he has told us on what points of these proposals these parties have agreed and also where they continue to differ. Fortunately these are numerous points where agreement was found possible. I do not for a moment underestimate the importance of the fact that the parties were willing to reaffirm

their determination not to resort to force and not to make warlike statements. It is also of great moral value that both parties reaffirmed their will to continue to observe the cease-fire agreement and to continue to accept the principles that the question of the accession of the state of Jammu and Kashmir to India or to Pakistan will be decided through the democratic method of a true and impartial plebiscite under the auspices of the United Nations.

In all these matters we found a reaffirmation of good intentions, and we earnestly hope that this is a step towards producing an atmosphere where the grave tensions between the two nations may gradually be lessened and ultimately disappear. But good intentions are not enough. The solution of the problem before us must be based on deeds—peace through deeds. In order to enable the people of Jammu and Kashmir freely to exercise their right of self-determination, we must solve the problem of demilitarization and pave the way for the plebiscite administrator supervise the final choice.

Mr. Graham, in his report, has placed before us four points of difference on the proposals which he has submitted to the parties. These points are of major importance. They concern the actual implementation of the principles for demilitarization as an introduction to the plebiscite itself. Nevertheless it looks as though the United Nations representative for India and Pakistan has been able to narrow down the conflict to those four points. That in itself is a matter of considerable merit. We hope that we shall be justified in saying that this constitutes an improvement compared with what the situation was before Mr. Graham went to work on his mission. We trust that the parties will realise that under the circumstances they bear an increased responsibility for overcoming the obstacles that are still obstructing the way towards solution, now that the gap seems to have become less wide.

Mr. Graham himself, according to his report, has come to the conclusion that "although he does not underestimate the difficulties, the possibility of arriving at a basis of agreement between the two governments is not excluded."

We fervently hope that the United Nations representative for India and Pakistan will prove to be right in his estimate. On the basis of his confidence, my Government is willing to agree to the recommendation of Mr. Graham, where he suggests to the Security Council that he should be instructed to continue negotiations with the Governments of India and Pakistan in order to obtain an agreement of the parties to a plan for effecting the demilitarization of the State of Jammu and Kashmir. Such negotiations, continues Mr. Graham in his report, should be carried out at the seat of the Security Council and instructions should be given to the United Nations representative to report to the Security Council within six weeks. I realize that in meeting the wishes of Mr. Graham, the Council would for the moment deviate from paragraph 6 of its own resolution of 30 March 1951.

In this draft resolution the parties to the conflict, in the event that their discussions with the United Nations representative fail to result in full agreement, are called upon to accept arbitration upon all outstanding points of difference reported by the United Nations representative. However, as long as there is a reasonable chance that further negotiations may result in agreement, my Government is willing to keep this opportunity open during the period of six weeks suggested by Mr. Graham.

In the light of my foregoing remarks, my Government recognizes in a general way the draft resolution now before us. The adoption of the draft resolution would mean that the Council noted with approval the basis for a programme of demilitarization such as Mr. Graham put forward to the Prime Ministers of India and Pakistan. It would also mean that the United Nations representative would have an opportunity to continue his efforts to obtain agreement of the parties and, finally, that the United Nations representative would be instructed to report to the Council on his efforts not later than six weeks after this resolution came into effect. This, in our opinion, need not mean that the solution might not be reached within a shorter time. We would welcome a shorter time because every delay can only increase the risk of growing and

explosive tension between the parties. As Mr. Graham has himself said before the Council [*564th meeting*], delays in demilitarization cause talk of war. Talk of war causes delays in demilitarization. We must break this vicious circle and the sooner we can do it, the better it will be.

Mr. Graham's own suggestion regarding further negotiations within a period of six weeks was that they should be carried out at the seat of the Security Council. I do not find the reflection of this suggestion in the draft resolution [*S/2390*] now before us. I sincerely hope that this does not mean that the period of six weeks will have to be spent in part in activities involving a great deal of travelling which would mean loss of valuable time, for once again my Government believes that we must indeed be conscious of the necessity to save time. By saving time, we avoid dangerous risks which, if not deterred, might compromise the work of peaceful settlement that we are trying to achieve.

In the sense of what I have already stated, my Government will support the joint draft resolution.

**77. Text of the Speech made by Mr. Muniz (Brazil) in
the Security Council Meeting No 566 held
on November 1951.**

I had occasion in New York, when presiding over the Security Council, to express the appreciation of the Council, and of the Brazilian delegation, for the excellent work done by Mr. Graham in his mission of bringing the parties to agreement on the question of demilitarization. The report of Mr. Graham, as presented to the Security Council, is the best evidence of the sincerity and earnestness of his efforts and of his fitness for the mission entrusted to him.

The Brazilian delegation will support the joint United States-United Kingdom draft resolution [*S/2300*], which in our opinion is in keeping with previous decisions of the Security Council on the matter and represents a continuation of the efforts made by the United Nations towards the peaceful settlement of

the India-Pakistan question and of the problems arising out of the demilitarization of Jammu and Kashmir.

The comprehensive report submitted by Mr. Graham [S/2375] gives us a very clear picture of the differences outstanding between the two governments and shows the necessity of promoting and furthering the negotiations between the Governments of Pakistan and India. This is why the Brazilian favours the joint draft resolution before the Council, which allows for a further exploration of all possible approaches to the matter.

In voting for the draft resolution, the Brazilian delegation makes its earnest appeal to the Governments of India and of Pakistan to do their very best to make the new effort at conciliation succeed. I am sure that this appeal expresses the aspirations and the concern of all peoples, who see in the continuation of this conflict a source of grave danger to world peace.

**78. Text of the Speech made by Mr. Chauvel (France)
in the Security Council Meeting No. 566 held on
10 November 1951**

The French delegation will be happy to vote for the draft resolution before the Council. The importance of the question of Kashmir cannot be overestimated. Obviously very considerable interest are moved, but surely it is of overriding importance that the difficulties connected with that question should be solved.

The French Government has steadfastly supported past efforts for disposing of this heavy which not only places a strain on the relation between two countries that for many reasons to be drawn closely together but which, as a consequence, also impairs the political stability of a vast area of the world.

My Government congratulates the United Nations representative on the manner in which he has discharged his functions so far. It has most felicitously noted the spirit of moderation which the parties involved display and which is

described in certain chapters of the report (these are the chapters referred to a short while ago by the representative of the United States). It regards as a good omen that Mr. Frank Graham himself should be suggesting the renewal of his mission. My Government makes a special point of encouraging Mr. Graham in his further efforts and is confident that both the governments concerned are sincerely anxious to facilitate his task.

**79. Text of the Speech made by Mr. Albornoz (Ecuador)
in the Security Council Meeting No 566 held on
10 November 1951**

The delegation of Ecuador for the same reasons which induced it to support the resolution on the problem at the 539th meeting of the Security Council in New York will vote in favour of the draft resolution presented by the United Kingdom and the United States.

At the same time it expresses the hope that, within the period indicated in paragraph 4 of the operative part of the draft resolution, progress will be made towards a greater degree of understanding between the parties so as to bring closer the achievement of the Security Council's intention that the problem finally be solved on the basis of a peaceful, democratic, free and impartial expression of views by the peoples concerned, as is expressly restated in the first paragraph of the operative part of the draft resolution.

**80. Text of the Speech made by Mr. Sarper (Turkey) in
the Security Council Meeting No. 566 held on
10 November 1951**

We have already explained connexion with this dispute in the statement which I made to this Council on 29 March of the year [538th meeting]. If you will permit me, I shall read a sentence from the statement which I made :

"First of all, we are deeply disturbed and concerned because of the existence of such a dispute between two sister nations, to both of which we have the greatest admiration."

I now want to explain very briefly the vote we are about to cast on the draft resolution which is before the Council now, that is, document S/2390.

My delegation will vote in favour of the draft resolution tabled jointly by the delegations of the United States and the United Kingdom. However, in doing that it is the intention of this delegation to reaffirm the provisions of the fifth paragraph of the resolution adopted by this Council on 30 March 1951. I shall read this, if you will permit me, because we attach some importance to the provisions of this paragraph. The fifth paragraph reads as follows :

"Affirming that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference', and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle".

that is to say, the principle of the resolution adopted on 30 March.

At the same time, I should like to express the hope that the parties to the dispute will abide by the dispositions of this paragraph in particular and of the resolution in general.

**81. Text of the Speech made by the President Mr. T.F.
Tsiang as representative of China in the Security
Council Meeting No. 566 held on 10
November 1951**

As the representative of China, I should like to state that my delegation will vote in favour of the joint draft resolution [S/2390] which points out the way in which the Security Council, for the time being at least, can be of best service to India and to Pakistan. Mr. Graham is eminently qualified to undertake this difficult task.

Reading his written report and hearing his oral report before the Council have convinced me of Mr. Graham's insight into the problem, his impartiality and his deep friendliness to

both India and Pakistan. I hope that both parties will give him hearty co-operation.

A number of delegates have called our attention to the matter of the Constituent Assembly in Kashmir. When the world Press first reported the possibility of such a Constituent Assembly in Kashmir my delegation went on record in the Security Council as believing that such a Constituent Assembly could not be allowed to prejudice, far less foreclose, the question of the accession, of the state of Jammu and Kashmir. We still hold to that view. I hope that Mr. Graham's renewed effort will result in a final solution of this important question.

**82. Text of the Speech made by Sir Gladwyn Jebb
(United Kingdom) in the Security Council
Meeting No. 571 held on 30 January 1951**

I have listened with great attention to the speech made by my friend, the Minister for Foreign Affairs of Pakistan. We are all, I am sure, very grateful to him for the *resume* which he has given us of the negotiations conducted by Mr. Graham since the Security Council resolution of 30 March 1951, and we shall all doubtless wish to study the conclusions which he has drawn.

Sir Mohammad Zafrulla Khan has also, if I may say so, dealt most effectively with the allegations made by the representative of the Soviet Union in his intervention on 17 January with which, as the Council will recollect, I also dealt at the time. I do most sincerely hope that these extraordinary red herrings will not continue to be drawn across the trail and that the Council will return to the atmosphere of objectivity which, until the USSR representative made his last intervention, had always, I think I am right in saying, characterized its consideration of the Kashmir problem.

The representative of India will presumably, at some stage in our discussion, wish to comment on the views expressed by the Foreign Minister of Pakistan and to put forward the views of the Government of India on the points immediately at issue. In the belief that both parties will seek, so far as

possible, to avoid controversy—which I know is the intention—I have asked the President's permission to speak before the representative of India, in the hope that by putting before the Council certain proposals—constructive as we believe—we may be able to confine our discussion to a quite brief examination of the steps likely to carry this problem further forward towards a solution. In our long and painful consideration of the Kashmir question, we have—as it were—inched our way slowly forward, one step at a time. Now, however, seems to be the time to take one final step.

We have now had time to give proper study to Mr. Graham's second report and to the text of the important and helpful oral statement which he made to the Council on 17 January 1952. The United Kingdom Government had hoped, of course, that Mr. Graham, during the further period of six weeks in which he continued his negotiations with the two parties here in Paris, would succeed in resolving the outstanding points of difference between them. We had hoped that with the points of difference so clearly defined, the way would be found to reach agreement on them. I shall not, therefore, conceal the fact that the United Kingdom Government was deeply disappointed when Mr. Graham's second report showed that on the two basic points—the points which go to the very root of this problem of arranging a plebiscite in Kashmir—the differences between the Governments of India and Pakistan seem to be almost as wide as ever. As we know, Mr. Graham defined these two points in his oral statement as follows: first, the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization; and secondly, the fixing of the definite time when the Government of India would cause the Plebiscite Administrator to be inducted into office.

Agreement between the parties must clearly be reached under these two heads before we can hope to go forward to the plebiscite and to the final goal to which both the parties have pledged themselves: namely, a decision by the people of Kashmir whether the accession of their State should be to India or to Pakistan. How such agreement can best be brought

about is, I submit, the matter which requires our immediate attention.

I do not wish to suggest to the Council that because these basic differences continue no progress has been made during Mr. Graham's tenure of office as United Nations Representative. On the contrary, I believe that there has been significant progress and that we are all greatly indebted to Mr. Graham for clearing a good deal of the ground towards a final settlement of the dispute. In the first place, it has been a considerable gain, in our view for Mr. Graham to formulate the main points on which agreement between the two Government is required, in the form of his twelve-point proposal. This has introduced clarity into the consideration of the dispute and has disposed of a number of uncertainties and ambiguities which tended to cloud the earlier negotiations. Also, we must by no means overlook the importance of the eight points in Mr. Graham's proposals to which the two Governments have expressed their agreement.

It is because of the success which Mr. Graham has had in carrying his negotiations forward that the Government of the United Kingdom now believes that they should pay a further visit to the sub-continent to make one final attempt to bring about a solution of the two outstanding points of difference which I mentioned earlier. After all, we must admit that the circumstances for Mr. Graham's last round of negotiations were perhaps not entirely propitious. The Government of India was already preoccupied with the arrangements for its general election, which as we all know, on account of both the size of the country and the great extension of the franchise, has presented many difficult problems. The United Kingdom Government therefore hopes that, now that the Indian elections are, as I believe, virtually over, and now that both the Government of India and the Government of Pakistan are ready—and we believe indeed anxious—to give their full attention to the task of working out an agreement on outstanding points continued negotiations by Mr. Graham will be fully justified.

Another reason which has moved us to suggest continued

negotiation by the United Nations Representative is that, by going to the sub-continent, he might be able to arrange for representatives from both sides, able to speak for their Governments, to meet together under his chairmanship to discuss how best to resolve the differences at present preventing demilitarization, the plebiscite and the final settlement of the dispute. Indeed, he might find the situation such that it would be possible for the two Prime Ministers themselves to meet under his chairmanship. That might happen. I express this hope, because we think that such joint discussion offer the best hope of speedy progress. Of course, Mr. Graham would have to decide himself when the moment was appropriate for them, and we would not wish in any way to limit his discretion. But, should he decide that joint discussions were desirable, we trust that he would find the two parties ready to fall in with his proposals for bringing them about.

It is scarcely necessary, I suppose, for me to say that the United Kingdom Government is fully aware of the urgent need for a settlement of this dispute and for some early and tangible proof that the Security Council and its representative, Mr. Graham, are carrying matters forward towards a settlement. I would therefore suggest that if the procedure which I have just put before the Council is adopted, Mr. Graham should report back to the Council on the results of his further negotiations by the end of March. I think it is most important—and I am sure that Mr. Graham himself would agree—to set some limit in this way for any further round of negotiations.

There is no need to speak of terms of reference, I think, for the negotiations which I have suggested. In a long series of resolutions, the Council has already clearly defined the path along which a settlement has to be approached. The two parties, by their acceptance of the two resolutions of the United Nations Commission for India and Pakistan, are themselves pledged to a programme for achieving a settlement. Mr. Graham himself, by the twelve-point proposals which he has submitted to the parties in furtherance of the principles contained in the resolution of 30 March 1951, has already set the course which he will follow.

Throughout his negotiations, Mr. Graham has clearly been guided by two main principles, with which the United Kingdom Government—and, I have no doubt, the government of most other members of the Security Council—is in complete agreement. The first is that, in order that the plebiscite shall be demonstrably fair and free from any external pressure, the number of troops on both sides of the cease fire line should be reduced to the absolute minimum compatible with the need to preserve law and order and internal security, and that both parties should co-operate to this end in a spirit of mutual trust and good will. The second is that once the process of demilitarization and preparation for a plebiscite has started, the momentum should be maintained until the whole operation is completed.

The twelve proposals which Mr. Graham put to the two parties last September, and has since been discussing with them, are firmly based on these two principles and we feel satisfied that they are on the right lines. As I have already said, agreement has been progress in defining more closely the other four. In our view the object of the new discussions between the parties should be to build on these proposals of Mr. Graham's to consolidate the progress already made, and to tackle the outstanding points of difference on the basis of the two principles to which I have referred in a resolute effort to reach agreement on them.

In paragraph 32 of his second report, Mr. Graham has expressed views on the four outstanding points of difference. We have no doubt that these views, coming from such a source, will be taken fully into account by the two parties. We also greatly hope that, with the object of setting themselves a target, the parties will, as suggested by Mr. Graham, aim at 15 July 1952 as the date by which the process of demilitarization should be completed and the Plebiscite Administrator inducted.

As I see the position, Mr. Graham can now return to the sub-continent in pursuance of the existing mandate, no new resolution being necessary. May I refresh the memory of the Council by reading paragraph 2 of the Council's resolution of 14 March 1950. [S/1461]. That part reads as follows ;

"The Security Council...

"2. Decides to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate :

- "(a) To assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization ;*
- "(b) To place himself at the disposal of the Governments of India and Pakistan and to place before those Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir;*
- "(c) To exercise all of the power and responsibilities devolving upon the United Nations Commission by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949 ;*
- "(d) To arrange at the appropriate state of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the later under agreements made between the parties ;*
- "(e) To report to the Security Council as he may consider necessary submitting his conclusions and any recommendations which he may desire to make."*

Mr. Graham, of course, in succeeding Sir Owen Dixon to this appointment under the resolution of 30 March 1951, has inherited all the powers and responsibilities of the office of United Nations Representative and, as we see it, he is therefore fully entitled to return to the sub-continent if he believes it desirable and if the Council does not disagree.

To sum up, I earnestly hope that my colleagues in the Council will feel able to concur in our view that Mr. Graham should, as part of his continuing function as United Nations Representative for India and Pakistan, make a further visit to the sub-continent to continue his negotiations with the two Governments and that he should report the result of these negotiations to the Council by the end of March 1952.

If this is the general sense of the Council, I hope that the representatives of India and Pakistan will agree that these further negotiation should be undertaken and that they will be able to offer the full co-operation of their Governments to Mr. Graham in bringing them to a successful conclusion. Clearly the less controversy between the parties in the Council at this stage, the greater will be Mr. Graham's chances of finding a readiness in the sub-continent to conclude the settlement which we have all so long and earnestly awaited. May I therefore appeal to our colleagues from India and Pakistan to hammer out their differences round the conference table with Mr. Graham rather than at the Security Council table.

This time we must all hope that the hammering out process will produce agreement rather than new lacerations. We must all try to show the world that the United Nations way, long and arduous though it be, is the right way to solve our mutual conflicts. We must all, by our help and our encouragement, do our best to preserve faith in our democratic institutions. I think that it is the privilege of India and Pakistan to be able to point the way to the happier world community of the future.

**83. Text of the Speech made by Mr. Von Balluseck
(Netherlands) in the Security Council Meeting
No. 571 held on 30 January 1952**

On 17 January 1952 we listened to the United Nations Representative for India and Pakistan present to us his second report, set forth in document S/2448. It will be remembered that the Security Council, in the resolution [S/2392] it adopted on 10 November 1951 by 9 votes in favour and 2 abstentions—

one of which was the Soviet Union—noted with approval the basis for a programme of demilitarization which the United Nations Representative put forward to the Prime Ministers of India and Pakistan on 7 September 1951 [S/2375] *annex 2*). The Council further noted with gratification the declared agreement of the two parties to four points contained in Mr. Graham's proposals, and it instructed the United Nations Representative to continue his efforts to obtain further agreement of this parties and, not later than six weeks after the resolution came into effect, to give the Council a report and statement of his views concerning the problem confided to him.

We have now been able to acquaint ourselves with Mr. Graham's second report and with his own views concerning the problem confided to him. From this report I note with satisfaction that Mr. Graham has reached agreement on four more points of the proposals submitted by him to the parties, so that we may now take it that the parties have no objections to proposals 1, 2, 3, 4 and 8, 9, 11 and 12 of that plan.

In my intervention during the Council's meeting of 10 November 1951 [566th meeting], I stated that, notwithstanding the fact that the then remaining points of difference were of major importance, inasmuch as they were concerned with the actual implementation of the principles for demilitarization, it nevertheless looked as though Mr. Graham had been able to narrow down the conflict to a reduced number of points at issue. I considered that in itself a matter of considerable merit and of definite improvement compared to what the situation had been before Mr. Graham went to work on his mission.

I also said that I trusted the parties would realize that, under the circumstances, they bore an increased responsibility for overcoming the final of obstacles that were still obstructing the way towards a solution, now that the gap seemed to have become less wide.

Mr. Graham himself came to the conclusion that, although he did not underestimate the remaining difficulties, "the possibility of arriving at a basis of agreement between the two Governments is not excluded". On the basis of that confidence

my Government was able to agree to the recommendation of Mr. Graham to allow him to continue the negotiations with the two parties in order to obtain a further meeting of minds.

Since in his second report, as I recalled just now, Mr. Graham was able to point to agreement on four more of his original proposals, the points at issue, which remain for the moment, are those contained in proposals 5, 6, and 10.

I realize that these last four proposals are the most basic, ones, and we also agree with Mr. Graham that agreement on those four proposals is most essential for carrying out the plan of demilitarization he rightly wants to envisage as an integrated whole.

The Security Council would perhaps now be entitled to consider whether, in the face of these continuing disagreements on certain basic points which must be resolved to enable demilitarization to be carried out, paragraph 6 of the resolution of 30 March 1951 [S/2017/Rev. 1] should not at this time be implemented. It seems to me that as long as there is a reasonable chance of further agreement through negotiation—and I am not yet prepared to give up all hope of this—we should give priority to the method of negotiation over the method of arbitration. On the other hand, the patience shown so far by the Security Council should not be misconstrued as lightening in any way the moral and political responsibilities of the parties themselves for the fulfilment of their definite commitments regarding the creation of fair conditions for a free and impartial plebiscite in Jammu and Kashmir.

These four remaining points are concerned with the implementation of the demilitarization plan as a single continuous process which is to be completed, in the view of Mr. Graham, on 15 July 1952, unless the parties can agree and decide upon another date. They also concern the moment for formal appointment to office of the Plebiscite Administrator, and we now know that, in Mr. Graham's opinion, this appointment should not occur later than the final day of the demilitarization period, that is to say, 15 July 1952.

The final point at issue concerns the armed forces which will remain on each side of the cease-fire line on 15 July 1952.

Mr. Graham has suggested a scheme for withdrawal, reduction, disbandment and disarmament of the various groups of armed forces on both sides, as a result of which on 15 July 1952 "there will remain on each side of the cease-fire line the lowest possible number of armed forces based in proportion on the number of armed forces existing on each side of the cease-fire line on 1 January 1949"—that is to say, the moment when the cease-fire agreement came into force—

Since then we have been acquainted with the tentative plan for the demilitarization of the State of Jammu and Kashmir based on the original proposals of Mr. Graham and worked out in more detail by General Jacob L. Devers, Military Adviser to Mr. Graham. This tentative plan was, I believe, turned over as a suggestion to both parties, or at least released so that both parties could take cognizance of it. It follows the lines of Mr. Graham's original proposal but it has made an effort to fill in certain figures in proposal 7 of the Graham plan where the United Nations Representative refers to the lowest possible number of troops on each side of the cease-fire line at the end of the demilitarization period. From the figures suggested by General Devers I gather that the total numbers of armed forces remaining on each side of the cease-fire line would then present a ratio of about 5 on the Pakistan side to 7 on the Indian side. At the same time General Devers has suggested a more detailed scheme for a reduction in stages of armed forces on both sides of the cease-fire line on the basis of the general ideas outlined by Mr. Graham and for which he has endeavoured to calculate exact figures and periods.

It is not my intention to pass a judgment on each suggestion. I believe that the members of this Council are hardly in a position to be able to judge the military situation and the military possibilities which prevail on the spot. However, these suggestions are from an authoritative source and are well worth our earnest consideration, as well as that of the parties concerned, and I submit that the material produced by Mr. Graham and his advisers might well form useful ground-work for further negotiations, this time perhaps on the very highest level.

I know that the parties hold divergent views on the security needs in and around the territory of the State of Jammu and Kashmir. Notwithstanding the acceptance by both parties of point 1 of Mr. Graham's original proposals in which the Governments of India and Pakistan reaffirm their determination not to resort to force and to adhere to peaceful procedures, and specifically pledge themselves that they will not commit aggression or make war, the one against the other, with regard to the question of Jammu and Kashmir"—notwithstanding those mutual assurances, there seem to linger uncomfortable feelings that such assurances are not sufficient in themselves. Two great States are facing each other across the territory of Jammu and Kashmir, and in their considerations the needs of their own security seem to play a considerable part. But I submit that the issue before us should in the first place be determined by the need of self-determination of the people of the State of Jammu and Kashmir themselves.

I may recall in this connexion that both parties stand committed to the implementation of the UNCIP resolutions of 13 August 1948 and 5 January 1949. Those resolutions constitute a framework which must now be definitely filled in. Both parties have repeatedly accepted the principle that the accession of the State of Jammu and Kashmir, either to India or to Pakistan, shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations after the cease-fire and truce arrangements will have been carried out. Therefore the freely expressed wishes of the people of Jammu and Kashmir must in the end prevail over the wishes and claims of the two bordering States.

It seems to me that it would be difficult to admit the right of either party for reasons of their own security to curtail the full freedom of choice by the people of Jammu and Kashmir. On the other hand we must not for a moment underestimate the responsibility which the United Nations has undertaken in connexion with the peaceful solution of this matter.

Through the efforts of the United Nations both parties have accepted a basis for a solution. Through the efforts of

the United Nations Representative, Mr. Graham, both parties have reaffirmed their determination not to resort to force. For that reason party which would break the solemn pledges would load upon itself a terrible guilt. There seems to be no reason to envisage such an eventuality for the moment. Therefore we should continue to place before every other consideration the conditions which must enable the people of Jammu and Kashmir to express themselves, free from any kind of intimidation or pressure.

My country has no direct interest in this matter except that it wants to see a conflict, which might in the long run jeopardize peace in the sub-continent, solved in a just and equitable basis. We have no particular reason to be for or against an accession of Jammu and Kashmir either to India or to Pakistan. Our only interest in this matter is one of principle, namely, that the right of self-determination for the people of Jammu and Kashmir must be respected and implemented. We are therefore willing and eager to explore every avenue that may lead to full agreement between the two parties to make that self-determination possible. Mr. Graham thus far has been able to secure agreement on eight points out of twelve. We would therefore consider it wise if he went on with his work for a further period of time to endeavour to bring the parties together on the remaining four points and we associate ourselves with what was said just now by the representative of the United Kingdom in this respect.

At the same time I think the United Nations, which has done so much to pave the way for a just and peaceful settlement of this question, is entitled to the greatest measure of constructive co-operation on the part of both India and Pakistan. It sometimes looks as though the balance in this essential co-operative spirit has not always been maintained. We sincerely hope that the parties will be ready to remove all obstacles in the path which must lead to a free plebiscite.

In conclusion, I wish to make a brief observation in connexion with what was said during our meeting of 17 January 1952 by the representative of the Soviet Union. The USSR representative, in his statement, interpreted the intentions of

the efforts which the Security Council has so far made to promote a solution of the Kashmir question in a manner which I fail to understand. I may recall that up to a few weeks ago the representative of the Soviet Union had taken very little part in the debates in the Security Council on this question. On the resolutions appointing Mr. Graham and approving his proposals, the representative of the Soviet Union abstained when the vote was taken. When Mr. Graham was appointed last year and when the USSR representative questioned the wisdom of filling this post by an American citizen, it was explained to him that every member of the Council had complete liberty to propose other candidates. The Soviet Union representative refrained from proposing any other candidate and did not vote against the appointment. It is therefore a little surprising, to say the least of it, to find the USSR representative now accusing Mr. Graham and his assistants of being something like agents of the Pentagon. I do not propose to go further into this matter now, but merely wish to recall the conclusion the USSR representative in his speech on 17 January 1952 when he said that "the USSR Government considers that the Kashmir question can be resolved successfully only by giving the people of Kashmir an opportunity to decide the question of Kashmir's constitutional status by themselves without outside interference." But I submit that this is exactly what we are trying to do and what we have been trying to do for years. The demilitarization of Jammu and Kashmir is exactly meant to prevent partial and biased outside interference with the free choice of the people of that territory. It is to that end precisely that my Government would like to see Mr. Graham continue his efforts

84. Text of the Speech made by Mr. Muniz (Brazil) in the Security Council Meeting No. 571 held on 30 Jan. 1952.

In the first place, I wish to thank the Minister for Foreign Affairs of Pakistan, Sir Mohammad Zafrulla Khan, for his very able and impartial expose of the question of demilitarization from its origin until its present stage after the intervention of Mr. Graham.

The Brazilian delegation wishes also to pay a warm tribute to Mr. Graham for his earnest and painstaking efforts to bring about a solution of the dispute on the demilitarization of the State of Jammu and Kashmir as a precondition of a plebiscite to decide the future of the disputed area. Not only during his stay in the sub-continent, but also in New York and afterwards in Paris, Mr. Graham exerted himself, through long negotiations with the interested parties, in order to bridge the difference on the question of demilitarization.

Although the diligence and great wisdom with which he endeavoured to fulfill his difficult mission were not crowned with immediate success, we cannot say that his efforts were in vain or that they met with failure. In a matter such as this, involving old antagonism and exacerbated nationalism, the task of conciliation is a hard and long-protracted one. It requires patience, forbearance constant application and the intervention of time with its healing qualities in order to bring the parties to see, above the passions of the hour, their real and permanent interest, and to produce the necessary adjustments leading to final settlement.

For the reasons which I have stated the Brazilian delegation does not believe that the Security Council ought to consider Mr. Graham's mission as terminated. Nor does it consider that his past endeavours were fruitless. On the contrary, his twelve-point proposal has greatly clarified the issue. We agree, therefore, with the suggestion of the United Kingdom representative that Mr. Graham, in fulfilment of the mission entrusted to him, should proceed again to the sub-continent and report to the Security Council at the end of March 1952 in order to seek to expand the area of agreement which has been enlarged through his intervention.

Another important consideration prompts my delegation to accept that suggestion. Within a few days the complete results of the Indian general elections will be known, and this fact is likely to exercise some influence on the issue and establish a favourable climate for the task of conciliation.

The Brazilian delegation is, therefore, of the opinion that a renewed effort to achieve conciliation at this juncture may

greatly facilitate the settlement of the issue of demilitarization.

**85. Text of the Speech Made by Mr. Santa Cruz (Chile)
in the Security Council Meeting No. 571 held on
30 January 1952**

This is the first opportunity the Chilean delegation has had in the United Nations to intervene in the dispute between India and Pakistan over Kashmir. I should therefore like to indicate briefly the spirit in which my country and its Government propose to participate in the efforts to settle this dispute.

In our opinion the entry of Pakistan and India into contemporary international life as fully independent and sovereign nations is one of the outstanding historical events of recent times. It marks a particularly significant stage in the renaissance which the Far and middle eastern countries are accomplishing with ever increasing speed. India and Pakistan have needed but little time to take a decisive part in international affairs. We have all been witnesses of the growing influence exercised by their ideas and views in the various organs and activities of the United Nation.

By reason of their size, their large populations, their great natural resources, their geographical situation, their links and relationships of all kinds with the East and their relations with and experience of the peoples of the West, India and Pakistan are called upon to play an ever more important and decisive part in international life. One of them closely linked with the Middle East and the other with the various countries of the Far East, they can and are bound to become major factors in directing the stormy and irresistible movement for national independence and freedom of these vast area along lines which are consistent with the principles of international peace and friendship and the peaceful settlement of disputes, lines which do not run counter to but rather promote that growth of internationalism which is essential in a world that has now become so highly interdependent. With their experience, India and Pakistan will be able to guide this headlong upsurge of hundreds of millions of human beings towards

peaceful co-operation, and at the same time help to persuade those who, from a distant geographical political and ideological standpoint, have hitherto refused to comprehend the power, justice, and inevitability of the quickened process of evolution, and even revolution, of these historic times.

India and Pakistan are also needed to guide by their example and assistance the inescapable task of economic and social development in the East, and to assist in the difficult process of adapting to the inevitable technical revolution of the West a society based principally on great spiritual values and fettered by an age old backward economy.

We also believe that India and Pakistan, in the interests of their 400 million inhabitants and of the international community as a whole, must devote all their material and moral resources to the consolidation of their promising but young political institutions and to the strengthening and modernization of their economic and social structure in order to rise their inadequate standards of living. The gigantic national and international task I have outlined calls imperiously for a state of peace. These countries cannot, as I see it, afford the luxury of diverting the economic resources which are urgently required to increase agricultural production and to build factories and industries to the maintenance of armies which may one day wage a war that will have all the characteristics of a fratricidal conflict. They cannot and they must not waste the spiritual energy needed for domestic progress and the great part which together they might play in strengthening world peace.

In short, we believe that apart from the obligation of every government to its own people and to the community of nations to do all that can be done to maintain peace, that obligation is one which these countries cannot possibility evade. It follows that in our view the chief responsibility, and above all the chief possibility of a solution of Kashmir, still rests with the Governments of India and Pakistan.

The Security Council, in successive resolutions accepted by the parties concerned, has laid the foundation, in accordance with the principles of the Charter, on which such a settlement should be based, namely, the democratic method of a free and

impartial plebiscite carried out under the auspices of the United Nations. It rests with the Governments of India and Pakistan to see that the necessary atmosphere is created for the success of that process. For this, it is essential that there should be mutual good faith and above all, the determination to make certain sacrifices which will entail in particular the running of what they believe to be certain risks, since most unfortunately they are still parted by fears and suspicions that can be easily understood. I repeat that in my delegation's opinion it is the imperative duty of Governments of India and Pakistan to proceed along those lines.

We also believe that the United Nations should continue to do everything possible to assist in the conclusion of a settlement. We have read with great interest and attention the reports of Mr. Graham. First, we should like to make it clear that in spite of the accusation made against him by the representative of the Soviet Union at the last meeting, we agree with other delegations in believing that Mr. Graham deserves the full confidence of the United Nations. The stage already traversed towards agreement, the progress in clarifying the points of disagreement mentioned, and the spirit of true understanding of the problem which Mr. Graham has shown in his reports and in his statements to the Council, give firm ground for hoping that the United Nations will make an important contribution to the final settlement of these disputes.

The last part of Mr. Graham's speech at our 570th meeting gave, I think, a clear picture of the very correct attitude he has taken in the difficult task entrusted to him by the Security Council.

Therefore, unless the parties concerned express disagreement with the action taken by the United Nations Representative, our delegation is ready to support the continuation of his work for a reasonable period. Mr. Graham has succeeded in isolating and limiting the points of dispute. Like other speakers who have preceded me, I believe that the new conciliation efforts can concentrate on seeking a settlement of these points of difference.

For our part, we offer India and Pakistan our social co-

operation in the Security Council in any action which they feel is likely to help in composing their differences. The countries of Latin America, by reason of their political and spiritual tradition, their racial composition, the similarity of their racial composition, the similarity of their economic and social problems, their identical conception of human dignity, all of which have so often found common expression in the United Nations, are well qualified to understand the special characteristics of the Asian peoples and their problems.

As a country, we are entirely disinterested in this matter and our attitude towards it is based solely on our preoccupation for the future of peoples whose progress we fervently desire, and on our concern for the maintenance of international peace.

Lastly, we should like to express our appreciation—and we believe the Indian representative will share our sentiments—for the wisdom and sense of responsibility shown by the representative of Pakistan in resisting the attempts which we have witnessed here recently to transfer this quite specific and local Kashmir dispute to the controversial and almost impassable ground of the great international political dispute to which the USSR is one of the parties.

This is one more demonstration of the fact that nowadays there are no local disputes. Every dispute, past or future, will be made use of in the cold war and the struggle for strategic positions. Any one of these disputes may be the starting point of the great conflagration which we all desire to avoid. Therein lies another, and a decisive, reason why the Governments of India and Pakistan should spare no effort or sacrifice to their reach a solution satisfactory to all and conducive to peace.

**86. Text of the Speech made by Mr. Ross (United States
of America) in the Security Council Meeting
No. 571 held on 30 January 1952**

When the Security Council considered the report of the United Nations Representative during the 570th meeting, the United States representative observed that the practice of

mediation is one of the greatest of arts and in our country Mr. Graham is one of its most distinguished practitioners. This fact is more apparent today than ever. The United Nations Representative has been continues to be as it has been, to build agreement brick by brick to form the structure of a settlement between two sovereign States. This is a purpose as simple to two sovereign States. This is a purpose as simple to state as it is difficult to accomplish in the tensions of the world in which we live and of which we are all a part.

Mr. Graham's second report and his oral presentation of it to the Security Council on 17 January 1952 are monuments, if one requires them, to this art of mediation which Mr. Graham so skillfully practices. His report is outstanding for one thing alone: It carefully states the issue. The issue is to find an agreed—and I emphasize the word "agreed"—and not an imposed solution for three questions "first, a definite period for demilitarization; secondly, the scope of demilitarization and quantum of forces that will remain at the end of the period of demilitarization; thirdly the day for the formal induction into office of the Plebiscite Administrator".

Mr. Graham goes beyond stating the issue. He has put before the Security Council the principles in which it can be resolved. First there must be agreement of the parties if the settlement it is to be lasting and, naturally, agreement must involve compromise. One can search in vain in Mr. Graham's report for any suggestion or any implication of imposing a settlement that would force upon the parties or the people of Kashmir a political future not of their own choosing. He is attempting to bring about a free and impartial plebiscite. To use his own words when he addressed this Council two weeks ago [570th meeting]: "The plebiscite would keep the promise made to the people of Jammu and Kashmir, who are worthy of the right of their own self-determination through a free, secure and impartial plebiscite."

The second principle implicit in Mr. Graham's work is that this dispute must not be deadlocked but must show movement along the road to settlement. Time in our opinion is running against both parties. One side or the other might feel

that delay will somehow favour its cause. But delay and frustration are not allies of either side ; they are the moral enemies of both. The forces of chaos work internally and also from the outside. Time is not a luxury to any of us whose objectives and principles are fundamentally similar. Whoever would suggest in seriousness that all of the structure built so patiently brick by brick should now be abandoned ? Again I would let the United Nations Representative speak for himself. He told us two weeks ago that "the time is past when society can safely take slow decades and centuries to muddle throughadjustments". He said : "Social drift and unsettled disputes"and he mentioned specifically the Kashmir dispute—can "now involve mankind", if allowed to go unchecked, "in the swift and total tragedy of global war....."

The United Nations Representative has put before the parties a twelve-point programme. It provides a logical and well-balanced framework in which to carry out the demilitarization upon which the parties themselves have agreed and which they have also agreed is a necessary prelude to the holding of a plebiscite. Through that plebiscite, the parties have also agreed that the people of the State can exercise their right of self-determination.

My Government feels today, as it did when the United States representative addressed the Council on 10 November 1951, that these twelve points form a solid basis on which the parties can reach agreement. The last November, Mr. Graham has made progress. It has been slow, but progress there has been. He has translated the outstanding issues which I stated a sometime ago and which are now all that stand between the parties and a completely operative agreement. In some way or another, he tells us, solutions can be found for these problems.

We were struck by what he said on the fixing of a time for the induction into office of the Plebiscite administrator. He has called this a linchpin that would integrate his programme. My Government agrees. As we look around the Council table and see the two parties to this dispute sitting here with the United Nations Representative, one sees in this fact alone tangible evidence of a desire to settle this case by the peaceful

means which Members of the United Nations have obliged themselves to use in the settlement of disputes.

If we look back to Mr. Graham's report of 15 October 1951, there was agreement on four of these twelve principles. Then, in his report of 19 November 1951 [566th meeting], there was agreement on four more, thus reducing the issues to their bare bones. This is the progress which has been made up to now towards the settlement of the Kashmir question.

My Government feels that this progress has not been and should not be halted. In the coming weeks we shall look for clear evidence of movement towards settlement of the basic issues. The United States feels that none of the remaining issues is an insurmountable barrier between the parties and a peaceful solution, a Charter solution, an agreed solution. Not lightly should the parties, or any of us, cast away the fabric of agreement as it now exists.

The Security Council gave its representative a heavy task by its resolution of 30 March 1951 [S 2017/Rev. I], which in paragraphs 3 and 5 instructed him to effect demilitarization and analyse the points of difference between the parties. The Security Council has further instructed him, on 10 November 1951, in paragraph 2 of its resolution [S/2392] of that date : "to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir". This is precisely the task upon which Mr. Graham is now engaged.

Mr. Graham has narrowed the issues to two critical ones, and the emphasis, we feel, must now be put on resolving these two issues. The efforts of the next weeks will either see these issues resolved, or we shall know that patience, persistence and wisdom have once again been unrewarded, except perhaps by frustrations and dilatory manoeuvres. In this sense, Mr. Graham's continued effort might justly be described as a final one.

We agree that Mr. Graham needs no further directive from the Security Council, and we feel that his continued effort will necessarily involve his return to the sub-continent of India and Pakistan, and it will also involve a final report, which I

should expect by the end of March, as various representatives have indicated this afternoon.

On 17 January Mr. Graham told us that negotiation is still the way to a solution of the unresolved issues. He also expressed the view that the time has met with the place and the opportunity to settle this dispute. We agree with this view.

We would also venture to express the hope that leadership by the parties—indeed, real statesmanship on their part—will open the way to a successful negotiation and a speedy solution of this dispute which, in our view, has too long remained unsolved.

**87. Text of the Speech made by Mr. Kural (Turkey)
in the Security Council Meeting No. 572
held on 31 January 1952**

May I briefly explain my delegation's attitude with regard to the proposal made yesterday by the United Kingdom representative, which we fully support? Faced with a dispute which has already lasted so long—too long—we should of course have preferred to learn of its termination, or to be in a position ourselves to find a more positive and final solution to it. However, we fully realize all the difficulties and complications which are likely to arise in a task of this kind. We see grounds for encouragement and hope in the progress made up to now by Mr. Graham, who has succeeded in reducing the differences between the two parties to a small number of points—points which it is true are of some importance. But we believe that since Mr. Graham has been able to do such work hitherto, and since his efforts have met with success, he will, undoubtedly, if he is allowed to continue, succeed in the near future in reducing still further, and perhaps entirely removing, the differences which remain between the two parties.

It is in this spirit that we support this suggestion made yesterday by the United Kingdom representative. Since Mr. Graham is on the right path we believe that his work

should not be suspended. That, I repeat, is the spirit in which my delegation supports the suggestion made yesterday by the representative of the United Kingdom.

88. Text of the Speech made by Mr. Kyron (Greece)
in the Security Council Meeting No. 572 held
on 31 January 1952

Greece's interest in the dispute between India and Pakistan does not, of course, date only from its election to the Security Council. The Greek Government has followed the successive stages in the development of the question of Jammu and Kashmir, now with anxiety, now with hope, but always with keen and friendly sympathy. It has never lost its confidence in the wisdom of the two parties directly concerned. That is why I have read the two reports [S/2375, S/2448] submitted by the United Nations Representative for India and Pakistan with great care, and why I listened with interest to his brilliant statement [570th meeting].

As was so eloquently said at yesterday's meeting, Pakistan and India are two highly important factors in the progress and civilization, not only of the continent of Asia, but of the whole world. May I add in this connexion that it is only through fraternal collaboration that these two nations, descended from an ancient and noble common civilization, will be able to discharge fully the great responsibility which has been placed upon them. The fact that not only the outstanding leaders but also enlightened public opinion in the two States which comprise the sub-continent are fully aware of that supreme necessity, gives us confidence that the question before us will find a solution, and reason for hope in the future of Asian affairs. As the Netherlands representative so rightly said yesterday, the leaders of Pakistan and of India fully realize that the key question in the differences between them is the question of security. It is, I believe, the problem of security which dominates the scene, over and above all questions relating to the withdrawal of troops, the induction of the Plebiscite Administrator or the setting of the date for the

plebiscite. Both the Karachi Government and the New Delhi Government know well that there can be no security without their fraternal agreement, and consequently they are resolved to reach such agreement.

That is why the anxiety felt by the friends of those two nations, indeed by the entire civilized world, during the first stages of the dispute is more and more giving way to feelings of hope. Only yesterday the Minister for Foreign Affairs of Pakistan told us with his customary calm confidence that his Government is convinced there can be no real solution of the question of Kashmir and Jammu save through friendly negotiations. I am sure that the Indian representative's speech will show the same spirit, and that he too will assure us of his Government's firm resolve to follow the same road.

May I pay sincere tribute to Sir Mohammad Zafrulla Khan for the constructive spirit, the sense of responsibility and the extreme moderation which he has once again shown. I am confident, I repeat, that the representative of India will follow in his footsteps.

It is only right that I should associate in this tribute the United Nations Representative for India and Pakistan, who has achieved such practical results in his brief mission. Mr. Graham has succeeded, thanks to his patience, tact and understanding for everything human, in removing several points of difference he therefore well merits the Security Council's confidence. It is therefore our duty to uphold Mr. Graham's mission, strengthened by the fact of the support which the two parties directly concerned will continue to give him.

The Greek delegation unreservedly subscribes to the proposal made by the United Kingdom representative to permit Mr. Graham to continue his efforts for some weeks further, perhaps without fixing any date, as our Chinese colleague has just suggested.

I will even go further. I believe that we have no right to suspend an undertaking which started under such favourable auspices and which has already borne fruit. The possibility of terminating Mr. Graham's mission could only have been contemplated if the two parties directly concerned had expres-

sed that desire or if Mr. Graham himself had told us that it could no longer produce any useful results. Fortunately, precisely the reverse happened. India and Pakistan recognize the advantages resulting from Mr. Graham's intervention. The result is that the United Nations Representative was in a position to state, in his second report, that agreement had been reached upon four further points of his demilitarization proposals. Consequently, we have no right to terminate a mission which made a good start and continues to have every chance of reaching settlement on the four points still pending.

I even consider such a prolongation perfectly natural and I believe it should not be hampered by a too rigidly delimited mandate. I think it would be enough for us to outline the mandate and to leave its fulfilment to the parties concerned, the course of events and Mr. Graham's wisdom. So long as the final aim is the organization of a popular plebiscite, there can be no misunderstanding. Let us leave it to the main protagonists, with Mr. Graham's help, to arrange the conditions for the demilitarization that will make it possible to fix the date—which we hope and believe will not be far distant—of the induction of the Plebiscite Administrator and the date of the plebiscite itself. Although in the last resort the settlement of the Jammu and Kashmir question is a matter for the people of that State, India and Pakistan have a supremely important part to play therein and the United Nations a useful mission to perform.

**89. Text of the Speech made by Mr. Frank P. Graham
(United Nations Representative for India and
Pakistan in the Security Council Meeting
No. 605 held on 10 October 1952)**

As a supplement to the report to the Security Council dated 16 September 1952 [*S/2783 and Corr. 1*], the United Nations Representative makes this personal summary statement. This statement should be considered in connexion with all other previous reports to the Council and debates in the Security Council on the Kashmir question. This statement will set forth :

- (1) The obstacles we have found in the way of the Governments of India and Pakistan hindering an agreement on a plan of demilitarization :
- (2) The twelve proposals made to overcome these obstacles;
- (3) The progress made by the parties in the acceptance of these proposals;
- (4) The revival of the difference over the meaning of "local forces";
- (5) The several proposals made regarding the induction of the Plebiscite Administrator into office;
- (6) The several proposals made by the United Nations Representative regarding the number and character of forces to be left on each side of the cease-fire line at the end of the period of demilitarization;
- (7) An agreement on ten and part of another of the twelve proposals; and
- (8) Suggested alternative approaches to the one main remaining difference regarding the issue of number and character of forces.

Obstacles Found in the way of an Agreement on Demilitarization

When we arrived on the sub-continent on 30 June 1951 we found the atmosphere heavily charged with the following factors :

- (1) Allegations about the violations of the cease-fire line;
- (2) Headlines about troop movements and counter-troop movements close to the border of the State of Jammu and Kashmir;
- (3) Discussions and fears concerning the role of the Constituent Assembly to be convened at Srinagar; and
- (4) Threats of war and rumours of war.

In the course of many consultations with the two Governments, the United Nations Representative found additional differences regarding :

- (5) The timing and amount of the disarming and disbanding of the *Azad* Kashmir forces in relation to the withdrawals of the Indian forces;

- (6) The time required for a programme of demilitarization;
- (7) The number and character of forces to be left on each side of the cease-fire line at the end of the period of demilitarization;
- (8) A possible danger to the cease-fire line incident to possible fears which might arise out of a heavy preponderance of armed forces on either side of the cease-fire line in the process of demilitarization;
- (9) The timing and co-ordination of appropriate withdrawals, reductions, disarming and disbanding of forces, as the case may be, on the two sides of the cease-fire line;
- (10) The timing of the induction of the Plebiscite Administrator into office;
- (11) The meaning of the phrase "final disposal" in the 5 January 1949 resolution of the United Nations Commission for India and Pakistan in relation to location or reduction of forces, and more lately;
- (12) The meaning of the phrase "local authorities" in the 5 January 1949 resolution.

The twelve proposals made by the United Nations Representative for overcoming the obstacles in the way of demilitarization

To overcome the first four of the twelve obstacles enumerated above, the United Nations Representative directed his first four proposals to decreasing the high tension between the two countries. Representatives of the Government of India indicated that no agreement in demilitarization was possible because of the threats of war. The representatives of the Government of Pakistan said that the delays in demilitarization as a condition for a free and impartial plebiscite caused unrest and talk of war among the people of Pakistan. Thus we found that delays in demilitarization caused talk of war and at the same time talk of war caused delays in an agreement on a plan of demilitarization.

The United Nations Representative therefore asked the two Governments for the following commitments :

The Governments of India and Pakistan

Proposal 1. Reaffirm their determination not to resort to force and to adhere to peaceful procedures and specifically pledge themselves that they will not commit aggression or make war, the one against the other, with regard to the question of Jammu and Kashmir;

Proposal 2. Agree that each Government, on its part, will instruct its official spokesmen and will urge all its citizens, organizations, publications and radio stations not to make warlike statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir;

Proposal 3. Reaffirm their will to observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949;

Proposal 4. Reaffirm their acceptance of the principle that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations.

The fifth obstacle was the question of the *Azad* Kashmir forces in relation to part II of the UNCIP resolution of 13 August 1948 and principles 4 (a) and (b) of the 5 January 1949 resolution. The resolution of 13 August 1948 made no reference to the "*Azad* Kashmir forces". Part II of this resolution had the following provisions :

"A

- "1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.
- "2. The Government of Pakistan will use in best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

- "3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

"B

- "1. When the Commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in part II, A, 2 here of have withdrawn, thereby terminating the situation which was reported by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from the State in stages to be agreed upon with the Commission.
- "2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observes stationed where it deems necessary.
- "3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed."

The 5 January 1949 resolution provided, regarding the Azad Kashmir forces and the Indian and State armed forces, principles 4 (a) and (b) as follows :

- "4 (a) After implementation of parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful

conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.

"(b) As regards the territory referred to in A, 2 of part II of the resolution of the 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities."

The Government of India maintained that, in accepting the 13 August 1948 resolution on 20 August 1948, they were unaware of the large number and fighting efficiency of the *Azad* Kashmir forces. They maintain that if they had been so aware they would have insisted on the disarming and disbanding of these forces provided for in part II of the 13 August 1948 resolution.

In this matter the Government of Pakistan maintained that they stood on the resolution as written and accepted.

The United Nations Commission, as the author of these two resolutions, held that the disarming and disbanding of the *Azad* Kashmir forces was not contemplated that under the 13 August 1948 resolution. However, the Commission assured the Government of India that it was contemplated that "large-scale disarming and disbanding of the *Azad* Kashmir forces" would be undertaken promptly in the implementation of the 5 January 1949 resolution.

The dead-lock over this issue was an obstacle to an agreement on demilitarization during the mediation of the Commission in 1949, of General Mc Naughton later in 1949, of Sir Owen Dixon in 1950, and confronted us early in our negotiations in the summer of 1951.

Regarding this problem the Commission itself, in its third interim report [S/1430], had observed (paragraph 250).

"The conclusion to be drawn from the experience of the

Commission during the past year, and from the attitudes of the two Governments as regards the withdrawal problem is clear : developments in the State during the past year necessitate a modification in the original plan of demilitarization. Such a modification must treat the problem of demilitarization as a whole, eliminating all distinctions and comprising all questions concerning the final disposal of all armed forces in the State of Jammu and Kashmir."

Recognizing that no progress had been made on this issue for three years, we sought to aid the parties in this matter by a new approach, conceiving demilitarization as a continuous process. The United Nations Representative came to the view, as the basis for an approach to the problem by the parties, that part II of the 13 August 1948 resolution and principle 4 (a) and (b) of the 5 January 1949 resolution should be considered as interdependent parts of a continuous process of demilitarization.

To this general end and specifically in order to break the dead-lock over the timing and amount of the disarming and disbanding of the *Azad* Kashmir forces, the United Nations Representative made proposal 5 as follows :

Proposal 5

The Governments of India and Pakistan

Agree that subject to the provisions of paragraph 11 below, the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single, continuous process.

To overcome four more obstacles, and as corollaries to a programme of demilitarization as a continuous process 6, 7, 8 and 9 as follows :

Proposal 6

The Governments of India and of Pakistan

Agree that this process of demilitarization shall be completed during a period of ninety days, unless other period is decided upon by the representatives the Indian and Pakistan Governments referred to paragraph 9 below.

Proposal 7

The Governments of India and Pakistan

Agree that the demilitarization shall be carried out on such a way that at the end of the period referred to a paragraph 6 above the situation will be :

(a) *On the Pakistan side of the cease-fire line*

- (i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) The Pakistan troops will have been withdrawn from the State; and
- (iii) Large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place.

(b) *On the Indian side of the cease-fire line :*

- (i) The bulk of the Indian forces in the State will have been carried out,
- (ii) Further withdrawals or reductions, as the case may be, of the Indian and State armed forces remaining in the State after the completion of the operation referred to in (b) (i) above will have been carried out,

so that at the end of the period referred to in proposal 6 above there will remain on the present Pakistan side of the cease-fire line to be filled in by the two Governments as a precise basis for resolving the difference on the crucial issue.

Proposal 8

The Governments of India and Pakistan

Agree that the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period referred to in paragraph 6 above.

Proposal 9

The Governments of India and Pakistan

Agree that representatives of the Indian and Pakistan Governments, assisted by their military advisers, will meet under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraphs 5, 6, 7 and 8 above.

Next to proposal 7, proposal 10 was the most crucial of the twelve proposals. Proposal 10 provided for the fixing of a definite time and manner for the induction of the Plebiscite Administrator as follows :

Proposal 10

The Governments of India and Pakistan

Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above.

To make clear that, in connecting part II of the 13 August 1948 resolution and "the large-scale disarming and disbanding of the *Azad* Kashmir forces" and "the further reduction of the Indian forces" to constitute part of a continuous process of demilitarization, the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator remained with regard "to final disposal" of the remaining forces, proposal 11 provided as follows :

Proposal 11

The Governments of India and Pakistan

Agree that the completion of the programme of demilitarization referred to in paragraph 9 above will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in sub-paragraphs 4(a) and (b) of the 5 January 1949 resolution.

The Government of India contends "that both under the two United Nations resolutions read together and according to the understandings with the Commission, the term 'final disposal' in sub-paragraph 4 (a) means only disposition. This is evident from the fact that the UNCIP resolution of 13 August 1948 speaks of minimum forces required to assist the local authorities in the maintenance of law and order, which the Commission itself has interpreted to include adequate defence. The Government of India considers that it can never be contemplated that as a result of any subsequent reduction forces should be reduced to below the minimum. The Commission has

never used the term 'reduction' or 'withdrawal' of Indian forces with reference to sub-paragraph 4 (a); it has, on the other hand, always insisted that sub-paragraph 4 (b) contemplated disbandment and disarming of *Azad* Kashmir forces and other armed forces on the Pakistan side of the cease-fire line. This distinction was made by the Commission with reference to a difficulty of its own creation by giving an assurance to the Pakistan Government, without the knowledge of the Government of India, that it did not contemplate the disbandment and disarming of *Azad* Kashmir forces at the stages of part II of the 13 August 1948 and resolution. Moreover, once it is accepted in principle that demilitarization contemplated under the resolutions of 13 August 1948 and 5 January 1949 should be effected in a single continuous process, no interference with the strength of forces in the State is possible at the plebiscite stage. Furthermore, if the element of reduction or withdrawal of forces at the plebiscite stage, according to the Pakistan Government's interpretation of sub-paragraphs 4 (a) and (b) of the resolution of 5 January 1949 is, brought on to the demilitarization must be deemed to have exhausted itself and the United Nations Representative and the plebiscite Administrator can at that stage deal only with the question of disposition".

The Government of Pakistan contends "that the term 'final disposal of forces' was used by the UNCIP both in sub-paragraph 4 (a) of its resolution of 5 January 1949 with respect to Indian and State armed forces, and in sub-paragraph 4 (b) of the same resolution in respect of the *Azad* Kashmir forces. It could only mean the same thing in both cases. The Vice-Chairman of the Commission informed the Foreign Minister of Pakistan on 25 December 1948 that the object of paragraph 4 of the Commission's draft proposals on 11 December 1948 (which subsequently become the Commission's resolution of 5 January 1949) as "to ensure a large-scale reduction and disarmament, the exact scope of which will be determined by the Commission and the Plebiscite Administrator, in consultation with the authorities concerned". (See memorandum appended to annex 5 to the second report UNCIP [S/1196].

The term 'final disposal' therefore covers reduction by withdrawal or disbandment as well as location or stationing of the armed forces concerned. If it is contended that 'final disposal' means only the location or stationing of forces, then there is by same token, no provision in the UNCIP resolutions for the reduction or disbandment of the *Azad Kashmir* forces either".

To prevent a later dead-lock over differences regarding an agreed programme of demilitarization proposal 12 provided as follows :

Proposal 12

The Governments of India and Pakistan

Agree that any differences regarding the programme of demilitarization contemplated in paragraph 9 above will be referred to the Military Adviser of the United Nations Representative, and, if disagreement continues, the United Nations Representative, whose decision to be final.

It is the view of the Government of Pakistan that paragraph 12 of the truce proposals enables the United Nations Representative to determine final points of experience relating to technical details concerning the real implementation of the agreed demilitarization programme. This is not enough. Sub-paragraph 2 (a) of the Security Council's resolution of 14 March 1950 [S/1461] authorized the United Nations Representative to interpret the agreements reached by the parties demilitarization. There should be a similar provision in the truce agreement. The experience of the last four years underlines the necessity for such a provision. Without it, there would be no means of resolving dead-locks that might arise".

It is the view of the Government of India that "the reference in paragraph 12 of Mr. Graham's letter is *not* to differences arising in the process of drawing up a programme of demilitarization but only to difference upon technical details concerning the actual implementation of the agreed programme. On this understanding the answer to the question is in the affirmative".

In line with his policy maintained from the outset of his mission that any assurance given to the parties could only be given by the United Nations Representative on the written record with the equal knowledge of both Governments, the

United Nations Representative gave the assurance that he was not seeking to arbitrate matters of substance and would confine his decisions to those matters of technical details concerning the actual implementation of the agreed programme.

III. Progress in the Acceptance of the Twelve Proposals

At the conclusion of our consultations with the two Governments on the sub-continent we were able, in our report to the Security Council of 15 October 1951 [S/2375], to report agreement on the first four of the twelve proposals.

At the conclusion in December of the negotiations in Paris, we reported to the Security Council on 18 December 1951 [S/2448] additional agreements on proposals 8, 9, 11 and 12.

The suggestion made by the United Nations Representative that the Plebiscite Administrator designate be now associated with him not for negotiations but for consultation regarding the prospective joint responsibilities of the Representative and the Administrator and to make studies, was not considered advisable by the two Governments. This suggestion was therefore not carried out.

The United Nations Representative considered that it would facilitate the preparation for the plebiscite to have the Plebiscite Administrator designate make studies as soon as possible regarding the conditions and requirements for a free, fair and secure plebiscite. Your representative has the view that these studies by the Plebiscite Administrator are basic to the consideration of the whole complex problem of the plebiscite. Since such studies as are necessary could best be made on the ground and since both Governments consider it inadvisable for him to be consulted in an official capacity before his induction, it is my view that is important that he be induced as soon as possible and therefore it is important that an agreement on a plan of demilitarization be agreed upon as soon as possible so that he can get on with his studies on the ground.

In the negotiations at the United Nations Headquarters early in the summer of 1952 the military advisers of the two Governments, under the chairmanship of the United Nations

military adviser, made precise their differing definitions of the word "bulk" and the words "State armed forces" as used in the resolutions of 13 August 1948 and 5 January 1949, and the estimated number of their own armed forces as they existed at the time of the cease-fire on 1 January 1949.

There remained outstanding four of the twelve proposals upon which agreement had not been reached including the two most basic of all the twelve proposals: first, the time of the induction into office of the Plebiscite Administrator; and secondly, the number and character of forces to be left on each side of the cease-fire line at the end of the period of demilitarization.

In view of the continuing dead-lock of the United Nations Representative made definite suggestions regarding the two most basic differences in revised proposals presented on 16 July, 2 September and 4 September 1952. On 2 September and 4 September 1952 he transferred the substance of the original proposal 9 to provisional clause at the end of the twelve proposals, that clause to read as follows:

Provisional clause. This agreement shall enter into effect when the two Governments of India and Pakistan have approved a programme of demilitarization in conformity with paragraphs 5, 6, 7 and 8 above, the draft of such programme to be drawn up in meetings between the representatives of the Governments of India and of Pakistan assisted by their military advisers under the auspices of the United Nations. The first meeting shall take place within two weeks after the signature of the above agreement.

In the revised versions of 2 September and 4 September 1952 the new proposal 9 was made as follows:

2 September

Revised proposal 9

The Governments of India and of Pakistan

Agree that pending a final solution the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the United Nations. The local authorities shall undertake the fulfilment of such duties as are necessary for the observance within that territory of the

provisions of the Karachi Agreement of 27 July 1949. (That is, the cease-fire agreement).

4 September

Further revised proposal 9

The Governments of India and of Pakistan

Agree that, pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the suited Nations.

Revival of the difference over the meaning of "Local Authorities"

The difference over the means of 'local authorities' confronted the first United Nations Commission in the summer of 1948 and persisted during the mediation of General McNaughton and during the mediation of Sir Owen Dixon.

The Government of India contends that the State of Jammu is a legal entity, that the sovereignty of India is based on the Instrument of Accession constitutionally executed, and that there can be no *de jure* or *de facto* recognition of the Azad Kashmir Government.

The Government of India holds "that the administration of this area would, under paragraph 3 of part II of the resolution of 13 August 1948, vest in local authorities to be established or recognized for the purpose ; to these local authorities under the same resolution only local administrative functions have been assigned. In the very nature of things such authorities can be in charge only of local law and order whether in the area or with reference to the cease-fire line. To give them any armed force equivalent to troops would not be consistent either with their status or with their functions and would be a violation of the sovereignty of the Union of India and the Jammu and Kashmir State. In the very nature of things, therefore, these local authorities can be entrusted only with civil armed force".

The Government of Pakistan holds that

"Paragraph 3 of section A of part II of the UNCIP resolution of 13 August 1948 provided that 'pending' a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission".

"In its letter dated 3 September 1948, the Commission defined the 'evacuated territory' to mean, 'those territories in the State of Jammu and Kashmir which are at present under the effective control of the Pakistan High Command (first report of UNCIP, paragraph 90). As a result of the demarcation of the the cease-fire line all territories situated on the Pakistan side of the cease-fire line should be regarded as 'evacuated territory.'

"The United Nations Commission told the Foreign Minister of Pakistan that by the term 'local authorities' it meant the *Azad* Kashmir Government, though the Commission could not accord *de jure* recognition to a revolutionary authority such as the *Azad* Kashmir Government. The Commission also gave the assurance that no official of the Government of India, or of the Maharaja's Government, would be permitted to enter the evacuated territory. (See summary record of the meeting held by UNCIP on 31 August 1948)."

"As regards the term 'surveillance', the UNCIP said that it meant neither supervision nor control. The Chairman of the Commission explained that all the commission had wanted was to find a definition for something which would release the Commission from taking too heavy responsibilities on its shoulders. The word "surveillance" was chosen as the mildest expression for something which would not imply spontaneous control or interference with the local authorities unless the truce is violated'. (See summary record of the meeting held by UNCIP on 2 September 1948). The Commission also agreed that its surveillance would not extend to Gilgit.

"The Pakistan delegation took note of the United Nations Representative's statement on 2 September 1952 that he understood the term 'local authorities' to mean 'the person there who exercise effective authority' and that as regards 'surveillance' over the local authorities the United Nations Representative would seek to exercise it through the appointment of civil and military observes". In Geneva the representatives of the two Governments

agreed on a revised proposal 9 to read as follows :

Revised proposal 9

The Governments of India and of Pakistan

Agree that pending a final solution the territory evacuated by Pakistan troops will be administered by the local authorities under the surveillance of the United Nations. Effect shall be given to this by the time the process of demilitarization mentioned in paragraph 6 has been completed on both sides of the cease-fire line.

The several alternative proposals made by the United Nations Representative for negotiations regarding the induction of the plebiscite Administrator into office

In the original twelve proposals of 11 September 1950 the United Nations representative proposed on sub-continent that the Plebiscite Administrator be inducted into office not later than the last day of the ninety-day period of demilitarization.

The Government of Pakistan agreed.

The Government of India then "doubted whether during the period of ninety days the firm will to settle the Kashmir question peacefully would have replaced in Pakistan the spirit and temper of war prevailing at the present time" (that is, at that time). The Government of India considered "that the proposal concerning the appointment of the Plebiscite Administrator should be committed from the twelve proposals and be included in proposals having to do specifically with the holding of the plebiscite".

The United Nations Representative proposed in Paris in December 1951 that the Plebiscite Administrator be inducted into office on 15 July 1952.

The Government of Pakistan agreed.

The Government of India held that if agreement could be reached on the number and character of forces to be left on each side at the end of the period of demilitarization the other remaining differences (which included the timing of the induction into office of the Plebiscite Administrator) could be settled without difficulty.

In New York, the United Nations Representative

suggested on 16 July 1952, for consideration in the conference proposed to be held in Geneva, that the Plebiscite Administrator be inducted into office not later than the final day of the demilitarization period (ninety days) referred to in proposal 6.

The view of the Government of India is "that the Plebiscite Administrator can properly function only after (i) the process of demilitarization is completed and the United Nations representative is satisfied that peaceful conditions have been resorted and (ii) the local authorities are recognized and are functioning on the Pakistan side of the cease-fire line under the surveillance of the United Nations Representative. In the interests of agreement, however, the Government of India would be prepared to agree to his induction on the last day of the period of demilitarization provided that it is completed according to plan and is exhaustive so that the Plebiscite Administrator would, as regards the forces remaining in the State after demilitarization is fully implemented, be concurred only with their disposition".

It is the view of the Government of Pakistan "that second in importance only to the question of demilitarization is the date by which the Plebiscite Administrator will be inducted into office. Under the UNCIP resolution of 5 January 1949, the Plebiscite Administrator has to be inducted into office as soon as the tribesmen, Pakistan volunteers and the Pakistan Army and bulk of the Indian Army have been withdrawn. The United Nations Representative's proposal that the Plebiscite Administrator should be appointed not later than the last day of the demilitarization programme represents a big concession to the Indian point of view. Nevertheless, Pakistan is prepared to accept it as a part of the twelve truce proposals suggested by the United Nations Representative."

The several alternative proposals made by the United Nations Representative regarding the number and character of forces to be left on each side of the cease-fire line at the end of the period of demilitarization

In the original twelve proposals of 11 September 1951 the United Nations representative suggested in proposal 7 "that at the end of the period (90 days) referred to in paragraph 6

above there will remain on the present Pakistan side of the cease-fire line a force of... civil armed forces, and on the Indian side of the cease-fire line a force of..."

The position of India was as follows: "As regards the civil armed forces to be maintained on the Pakistan side of the cease-fire line at the end of the period agreed upon in the terms of paragraphs 6 and 9, the Government of India would agree to a force of 4,000, organized, equipped and composed as recommended to UNCIP in term C of the memorandum transmitted to the UNCIP under cover of a letter dated 13 April 1949 by the Secretary-General in the Ministry of External Affairs of India; that is, the forces (of 4,000) should consist of persons normally resident in *Azad Kashmir* territory, half of whom should be followers of *Azad Kashmir* and the other half persons who are not followers of *Azad Kashmir*. This force should be commanded by United Nations officers or 'locals' and not by Pakistan officers."

The Government of Pakistan felt "that a force of not more than four infantry battalions (with the necessary administrative units) should remain on each side of the cease-fire line at the end of the demilitarization programme envisaged in paragraph 7". The Pakistan Government however, expressed the view "that some slight difference in the strength of description of the two forces should not stand in the way of an agreement being reached, so long as the forces on each side of the cease-fire line were of the order indicated above".

In effect, proposal 7, as it stood, did not provide the basis for an agreement.

In the Paris sessions of December 1951, the Government of India emphasized that the Indian troops remaining in the State of Jammu and Kashmir at the end of the period of demilitarization under this plan were over 7,000 less than the minimum stated in paragraph 8 of the Prime Minister's letter of 11 September.

This proposed remainder of 21,000 was estimated by India to be a reduction of over 80 per cent of the Indian and State armed forces present in the State at the time of the cease-fire on 1 January 1949.

The Government of Pakistan maintained its position that a force of no more than four infantry battalions (with the necessary administrative units) should be left on each side of the cease-fire line. The Pakistan Government was, however, prepared to agree that "so long as the forces on each side of the cease-fire line are of the order indicated above, some slight difference in the strength of description of the two forces should not stand in the way of an agreement being reached".

The disparity between the number and character of forces proposed by the parties continued to be wide. The United Nations Representative revised the relevant part of proposal 7 to read as follows: "so that on the date referred to in paragraph 6 above there will remain on each side of the cease-fire line the lowest possible number of armed forces based in proportion of the number of armed forces existing on each side of the cease-fire line on 1 January 1949."

This revised proposal also did not provide the basis for an agreement.

In New York the United Nations Representative, in his revised proposals of 16 July 1952 [S/2783, annex 3], suggested for the consideration of the two Governments, in a conference proposed to be held in Geneva, brackets of numbers in proposal 7 as follows:

(a) *On the Pakistan side of the cease-fire line:*

- (i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;
- (ii) The Pakistan troops will have been withdrawn from the State;
- (iii) Large-scale disbandment and disarmament of the *Azad* Kashmir forces will have taken place; so that at the end of the period of demilitarization there shall be an armed force of... [the United Nations representative suggests, as a basis for discussion, figures ranging from 3,000 to 6,000];
- (iv) The remaining *Azad* Kashmir forces will have

been separated from the administrative and operational control of the Pakistan High Command and will be officered by neutral and local officers under the surveillance of the United Nations.

(b) On the Indian side of the cease-fire line :

- (i) The bulk of the Indian forces in the State will have been withdrawn;
- (ii) Further withdrawals or reductions, as the case may be, of the Indian and State armed forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out; so that at the end of the period of demilitarization there shall be an Indian Army force of [the United Nations Representative suggests, as a basis for discussion, figures ranging from 12,000 to 18,000].

These numbers did not include the Jammu and Kashmir Militia and the Gilgit and Northern Scouts.

The proposed brackets of numbers (12,000 to 18,000 on the Indian side and 3,000 to 6,000 on the Pakistan side of the cease-fire line) not having provided the basis for an agreement, the United Nations Representative, in the further revised proposals on 2 September 1952 suggested for consideration by the representative of the two Governments an armed force of 6,000 on the Pakistan side and an Indian and State Army of 18,000 on the Indian side of the cease-fire line.

Since these two definite figures did not provide the basis for an agreement, the United Nations Representative then proposed on 4 September 1952 principles or criteria by which the number and character of forces could be determined, so that :

On the Pakistan side at the end of the period of demilitarization there shall be the minimum number of forces that are required for the maintenance of law and order and the cease-fire agreement, with due regard to the freedom of the plebiscite; and

On the Indian side there shall be the minimum number of Indian and State armed forces that are required for the maintenance of law and order and of the cease-fire agreement, with due regard to the security of the State and the freedom of the plebiscite.

Since this suggestion did not provide the basis for an agreement, the above principles or criteria were revised in other draft proposals on which agreement was not reached.

The position of the Government of India regarding the character and number of forces to remain on each side of the cease-fire line was summarized in Geneva as follows [S/2783, annex 5] :

"1. *Character and quantum of forces to remain on each side of the cease-fire line :*

"(1) The position of the Government of India as regards its own forces is as follows :

"(a) According to paragraph 4 of part II of the UNCIP resolution of 13 August 1948, the Government of India must have the minimum forces required to assist the local authorities, i.e., the Jammu and Kashmir Government, on the India side of the cease-fire line in the maintenance of law and order; this term, according to the Commission, includes adequate defence.

"(b) Under sub-paragraph 4 (a) of the UNCIP resolution of 5 January 1949, the disposal of India and State armed forces on our side has to be with due regard to security, which in its connotation has a wider significance than law and order.

"(c) The Government of India is constitutionally responsible for the defence of the Jammu and Kashmir State, which includes aid to the civil power.

"(d) Having regard to these commitments of internal and external security, the responsibilities under the cease-fire agreement and the fact that Pakistan would be free to locate its forces as it likes within its own borders, which for some length are common with the borders of the Jammu and Kashmir State and for a

still greater length within practically striking distance of the cease-fire line and important areas of the Jammu and Kashmir State, the Government of India considers that a minimum force of 28,000 is required.

“(e) However, on complete disbandment and disarmament of the *Azad* Kashmir forces and as a further gesture towards a settlement, it is prepared to effect a further reduction of 7,000, but it is impossible to reduce this absolute minimum figure of 21,000.

“(f) The Government of India will in no circumstances be prepared to include the Militia in these calculations. The Militia is a special armed police force which is under the administration of the Jammu and Kashmir Government for its normal law and order responsibilities and is only temporarily, for the period of emergency, under the operational control of the Indian Army.

“(II) The position of the Government of India as regards forces on the Pakistan side of the cease-fire line is as follows :

“(a) The *Azad* Kashmir Forces and the Gilgit and Northern Scouts have been newly raised or greatly augmented during the period of Pakistan's aggression. This has been done in violation of the Commission's assurance that Pakistan would not be allowed to consolidate its position to the disadvantage of the State. They are administratively and/or operationally under the control and direction of the Pakistan High Command. For these reasons they are indistinguishable from the Pakistan regular troops and must be disbanded and disarmed. This is necessary not only to honour the assurances given but also to restore peaceful and normal conditions in, and to facilitate the return of the refugees to, this area.

“(b) The administration of this area would, under paragraph 3 of part II of the resolution of 13 August 1948, vest in local authorities to be established or recognized for the purpose; to these local authorities,

under the same resolution, only local administrative functions have been assigned. In the very nature of things such authorities can be in charge only of local law and order whether in the area or with reference to the cease-fire line. To give them any armed force equivalent to troops would not be consistent either with their status or with their functions and would be a violation to the sovereignty of the Union of India and the Jammu and Kashmir State. In the very nature of things, therefore, these local authorities can be entrusted only with a civil armed force.

“(c) The Government of India considers that having regard to all the circumstances of the case, a civil armed force of 4,000 would be on the liberal side considering the pre aggression strength of similar forces policing this area. However, they are prepared to consider an appropriate increase to provide for the needs of the northern areas or should the United Nations Representative, under whose surveillance these forces would be operating, make out a case that this strength is inadequate.

“(d) Having regard to the functions these forces are to discharge and the conditions of a fair and impartial plebiscite, these forces should consist of an equal proportion of *Azad* Kashmir and other elements. The Government of India would be prepared to agree to a suitable readjustment of the armed and unarmed portion of this force.

“(e) The civil armed force should be under neutral and local officers.

“2. *Principles for the determination of forces to be left on either side of the cease-fire line :*

“The Government of India considers that the principles enumerated in sub-paragraph 7 (a) (iii) and 7 (b) (ii) of Mr. Graham's proposal of 4 September 1952, were conceived in the right spirit having regard to the two UNCIP resolutions. As a basis for the evolutions of a suitable definition of functions

of forces on both sides of the cease-fire line they contained the germs of a settlement but despite several efforts to evolve a suitable draft in terms of the language used in the Commission's resolutions no understanding could be reached with the Pakistan Government. Since the evolution of such principles is basic to the question of the character and quantum of forces, the Government of India would point out that while the Commission's resolutions acknowledge its responsibilities in this respect in specific broad terms, the use of the term 'local authorities', the provision for the surveillance of the United Nations Commission, and the fact that these local authorities have to carry on the mere administration of this area leave no doubt whatsoever that their law and order responsibilities are of a purely local character. The Government of India cannot accept any equation of its responsibilities with the local authorities on the Pakistan side of the cease-fire line or agree to anything more than a local character to the maintenance of public order in that area by the local authorities. It would observe that constitutionally the defence of the entire State of Jammu and Kashmir is the concern of the Government of India and it alone is entitled to maintain a military armed force for the purpose. This is the only position consistent with the assurance given and the practice observed hitherto by the United Nations authorities of giving recognition to the sovereignty of the Indian Union and the State which derived originally from the Instrument of Accession and has since been embodied in the Constitution of India.

The position of the Government of Pakistan regarding the number and character of forces to remain on each side of the case of the cease-fire line has been summarized as follows [S/2783, annex 6] :

(1) *Proposals of 16 July 1952*

"Pakistan considers that after the processes outlined in paragraph 7 of the United Nations Representative's truce proposals of 19 July 1952 have been carried out, there should remain on each side of the cease-fire line only the minimum forces necessary for the maintenance of law and order and the preservation of the cease-fire line.

"...

UNCIP resolutions contemplated the retention of some forces on both sides of the ceasefire line for the purposes specified above. The character of the forces must, obviously, be the same on both sides of the case-fire line.

"There is no warrant in the UNCIP resolutions for the appointment of 'neutral, officers in command of the reduced *Azad* Kashmir forces. This proposal is also inherently unworkable. There is no shortage of suitable local officers to command the reduced *Azad* Kashmir forces."

(2) *Proposals of September 1952*

"Pakistan considers that the United Nations Representative's proposal that at the end of the demilitarization programme contemplated in paragraph 7 of the proposals there should remain an armed force of 18,000 (exclusive of 6,000 Militia) on the Indian side, and an armed force of 6,000 (exclusive of 3,500 Scouts) on the Pakistan side leaves too many soldiers in the State. Before partition, the Maharaja's Government managed with less than a quarter of the forces suggested by the United Nations Representative (8,000 as against 33,500).

"The ratio on the date of the cease-fire was 5 to 4 in India's favour according to the Government of Pakistan, and 7 to 5 according to General Jacob Devers, the Military Adviser to the United Nations Representative."

(3) *Proposals of September 1952*

"Pakistan fully agreed with the United Nations Representative that every effort should be made at the Conference itself to agree on the number and character of forces which should remain on each side of the cease-fire line at the end of the demilitarization programme. Failing this, the Conference should at least agree on the guiding principles for determining the number and character of forces.

"The Pakistan delegation felt that the words 'with due regard to the freedom of the plebiscite' used in sub-paragraph 7 (a) (iii) and the phrase 'with due regard to the security of the State and the freedom of the plebiscite'

used in sub-paragraph 7 (b) (ii) of the draft proposals should be deleted. The object of this amendment was to avoid the recurrence in the Military Sub-Committee of the political controversies which had held up progress in the main conference itself. If this amendment had been accepted, Pakistan would not have insisted on further reduction of forces under sub-paragraph 4 (a) and (b) of the 5 January 1949 resolution, and would have been satisfied with the disposition of all remaining forces by United Nations Representative and the Plebiscite Administrator, in consultation with the respective authorities, and with due regard to the security of the State and the freedom of the plebiscite.

"Subject to the above observations, and some drafting changes, the Pakistan delegation was prepared to accept the United Nations Representative's draft proposals of 4 September 1952."

VII. Agreement on ten of the twelve revised proposals and partial agreement on another

To quote from our report of 16 September 1952 [S/2783] submitted to the Security Council :

"The revised proposals of 4 September were agreed upon by the representatives of India and Pakistan to the following extent :

"(i) Proposals 1, 2, 3, 4, 5, 6, 7 (a) (i) and (ii), 7 (b) (i), 8, 9, 10, 12 and the provisional clause ; with the redrafting of paragraphs 5, 6 and 9 as follows :

"5. Agree that the demilitarisation of Jammu and Kashmir contemplated in the United Nations resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single continuous process ;

"6. Agree that this process of demilitarization shall be completed during a period of ninety days, starting from the date on which the programme of demilitarization referred to in paragraph 7 below is approved by the Governments of India and Pakistan, unless another period is decided upon by the two Governments ;

"9. Agree that pending a final solution the territory

evacuated by Pakistan troops will be administered by the local authorities under the surveillance of the United Nations. Effect shall be given to this by the time the process of demilitarization mentioned in paragraph 6 has been completed on both sides of the cease-fire line.

(ii) Concerning paragraph 12, the representative of India accepted it with the understanding that the differences referred to by the United Nations Representative should be only on technical details referring to the actual implementation of the agreed programme.

"(iii) In regard to sub-paragraphs 7 (a) (iii) and 7 (b) (ii)" —on which an agreement has not been reached—"the remaining difference in position of the Representatives has been stated in paragraph 25.

"(iv) Paragraph 11 of the proposals was deleted, to be substituted with another one to be agreed upon by the two Representatives, connected with the definite wording of paragraph 7 and with the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator in accordance with sub-paragraphs 4 (a) and (b) of the UNCIP resolution of 5 January 1949."

viii. Suggested alternative approaches to the remaining differences on the demilitarization proposals

In seeking to carry out the responsibilities entrusted to him by the Security Council, namely, to aid the parties in reaching an agreement on a plan of demilitarization, the United Nations Representative proposed a twelve-point programme of demilitarization as one step in the solution of a complex problem. He wishes to make clear to the members of the Council that the narrowing of the differences on the twelve-point programme to one main point, upon which the whole plan depends, emphasizes the depth of the difference on this point. As we have sought to remove many obstacles, surmount boulders, and to narrow and more precisely to define the differences, the remaining difference on the issue of the number and character of forces is still deep. It is related to the differing conceptions of the two Governments, often set forth—and I cite the interim report of UNCIP (*Official Records of the Security Council, Fourth Year, Special Supplement No. 7*, document

S/1430/Rev.1, paras. 200-202) and the report of the United Nations Representative for India and Pakistan to the Security Council (document S/2375 and Corr. 1, 15 October 1951, para. 35)—relating to first status of the State of Jammu and Kashmir—secondly, the nature of the responsibilities of the appropriate authorities on each side of the cease-fire line after demilitarization, and thirdly, the obligations of the two resolutions of 13 August 1948 and of 5 January 1949 with the provision for a plebiscite. Upon the acceptance of definite provisions for a plebiscite came the cessation of fighting. Under the two resolutions of 13 August 1948 and 5 January 1949 the consideration of the conditions and requirements for a free, fair and secure plebiscite would proceed in part from the studies of the Plebiscite Administrator.

Towards reaching an agreement on the remaining difference on proposal 7, the United Nations Representative made his suggestion for alternative approaches either through the establishment of the number and character of forces to be left on each side of the cease-fire line at the end of the period of demilitarization or through the declared policy that the number and character of such forces should be determined in accordance with the requirements of each area and, accordingly, that principles or criteria should be established which would serve as guidance for the civil and military representative of the government of India and Pakistan in the meeting contemplated in the provisional clause of the revised proposals.

The settlement of the Kashmir dispute involves the preservation of the existing cease-fire line, a proposed agreement on plebiscites demilitarization, and certainly not less important, the requirements and conditions for holding the plebiscite. The peaceful settlement of the whole complex Kashmir problem is important for the State, for both nations, and for all nations.

To fail to solve the Kashmir problem rather than to bridge present differences is inconceivable as a practical policy in the face of a situation heavily charged with long-accumulated high potentials. The peoples of the sub-continent have the opportunity to challenge the peoples of the world with their own adventurous programmes for both individual

freedom and the general welfare, for both national security and world peace. For the peoples of the sub-continent to fail to solve peacefully the Kashmir problem and to drift or stumble into greatly increased danger rather than bridge the chasm which divides them would be a tragedy for the two nations and for the people of the world who look with hope to the humane leadership of two great peoples. Programmes now provide sustenance, freedom and hope for hundreds of millions of people might give way to violence. At this important and critical time in the history of the sub-continent, an agreement on Kashmir could be a great demonstration for peace by peace-minded leaders, whose position for peace would be reinforced by an agreement. In case of conflict and destruction, fear and hunger might stalk the villages, where most of the people live in the hopeful lands between the mountains and the seas. Violences and then tyranny might seek to feed on hunger and hatred while humane programmes were engulfed in the deep catastrophe.

The values of an early settlement of this dispute would, in my view, be tremendous for the 4 million people of the State, the 400 million people of the two nations involved, and the people of the world.

A settlement of this dispute would mean that status of the people of the State would be finally determined not by the sovereignty of princes but by the sovereignty of the people not by the might of armies but by the will of the people, not by bullets but by ballots, through the self determination of peoples by the democratic method of an impartial plebiscite conducted with due regard for the security of the State and the freedom of the plebiscite under the auspices of the United Nations.

A settlement of this dispute might help to settle the dispute over evacuee property. It might thus help bring adjustment of the claim of the hosts of refugees who, in their tragic trek and counter-trek from one country to the other, left behind their homes and their property and yet carried in their minds and hearts the horrors of mass slaughter. These adjustments in belated justice would assuage some of the pain of their losses and memories and contribute much to raising the morale and

increasing the productive energies of millions of people in both nations.

Moreover, the settlement of the Kashmir dispute would contribute much to the relief of the fears and tensions over canals and rivers from which come the waters for the fields, and the hopes of food and opportunity for millions of people. A settled basis for the co-operative development of the natural resources of the rivers and their wide valleys would make more promptly and broadly possible the connecting of the engines of production, transportation and communication with nature's ceaseless cycle of mighty but unharnessed power between the sun and the seas, between the mountains, the snows, the rains and the rivers, between the clouds and the lands of the vast sub-continent.

Food and freedom, goods and equal opportunity, health and education, dynamic hope and the liberation of the human spirit for the good life of these great, free societies can thus become the way of life of the peoples of India and Pakistan with all the meaning to the peoples of the world therein involved.

The co-operation of India and Pakistan in the demilitarization of the State of Jammu and Kashmir in the self-determination of the people of the State, and in the allocation of larger budgets for constructive programmes, might become one of the turning-points in the history of our times towards the co-operation of all nations for the larger self-determination of all peoples ; towards universal disarmament and the harnessing of atomic power for the moral equivalent of war in the campaigns against poverty, illiteracy and disease ; and towards the more effective co-ordination of the national programmes, the "Point Four" programme, the Colombo Plan and the United Nations technical assistance programme for advances in agriculture and industry, health and education, freedom and peace, for all people.

On the sub-continent of Asia there is juncture of the forces of strategic geography, historic peoples, high traditions, ancient religions, human leadership, fresh currents of national freedom and democratic power of high potential

for peace or conflict, weal or woe, in the present world. May the prompt, fair and peaceful settlement of the Kashmir dispute by the Governments of India and of Pakistan set the example, provide the leadership and point the way from fear and conflict to peace and hope for the peoples of the earth.

**90. Text of the Speech made by Sir Gladwyn Jebb
(United Kingdom) in the Security Council Meeting
No. 606 held on 6 November 1952**

The object of my intervention this afternoon will be to explain as best I can the draft resolution which has now been distributed to all members of the Council in document S/2839, dated 5 November 1952. In what I say I shall not, of course, be speaking on behalf of my United States colleague, who has associated himself with this draft resolution, but I hope that what I say will be agreeable to him.

Now that we are about to resume our deliberations on the India-Pakistan question, I am sure of one thing: that I shall be giving expression to the views of most of the governments represented round this table when I say how deeply we regret that no solution has yet been found to the differences between the Government of India and the Government of Pakistan with regard to the future accession of the State of Jammu and Kashmir.

For its part, Her Majesty's Government in the United Kingdom has always recognized the great delicacy of the issues involved in this question. At the same time, however, it has always been encouraged by the fine agreement of the two government concerned on the principles to be followed in order to achieve a settlement. It has therefore always hoped, and it continues most strongly to hope, that agreement can be reached on how these principles can be put into effect—in other words, on how the inhabitants of the State of Jammu and Kashmir can be enabled most fairly and effectively to express their wishes on the question whether their State should accede to the Indian Union or to Pakistan.

In a world beset by so many intractable and seemingly insoluble problems, this particular one has always seemed to

be eminently susceptible of settlement be seasoned negotiations and compromise. I am sure that my colleagues on the Security Council will agree with me on one thing : that it is the plain duty of the Council to use its best endeavours to promote such a settlement.

We last discussed the various issues involved in the India-Pakistan question in detail in February and March 1951. As the result of our debates at that time, Dr. Graham was appointed as the United Nations Representative for India and Pakistan, with a mandate to resolve, negotiation with the parties, the differences between them which were preventing the fulfilment of the demilitarization provisions of the resolutions of the United Nations Commission for India and Pakistan.' The four reports which we have received from Dr. Graham [S/2375, S/2445, S/2661 and S/2783] are a monument, if I may say so, to his thoroughness, patience and perseverance in carrying out this mandate, and I am sure we are all agreed on this one thing, the tribute that I have paid to Dr. Graham. As representatives will have observed, the fourth report of Dr. Graham, which deals with the latest negotiations, contains certain detailed suggestions for the determination of the number of armed forces to be left on each side of the cease-fire line at the end of the period of demilitarization. I believe that Dr. Graham has made a valuable contribution to the long negotiations on this point by putting forward these specific suggestions. It will be seen that in the draft resolution which United States and United Kingdom delegations have now placed before the Council, and to which I have referred, we have based the action which we think the Security Council might urge the parties to take on certain of these detailed suggestions by Dr. Graham, to which I have just referred. I will come back to this point, however, a little later when I discuss the draft resolution in detail.

Before I do this I should like, if I may, to explain to the members of the Council the general considerations which have guided the United Kingdom as co-sponsor of this draft resolution.

In the first place, we do not believe that this disput over the future accession of the State of Jammu and Kashmir can be left simply to settle itself, or that the efforts of the United Nations to achieve a settlement can in any way be relaxed. It may be that there are some problems which can with advantage be placed on one side and just allowed to develop and, perhaps, come to a head in their own way. I do not know, but that may be so. But I do not believe, personally, that representatives will consider that such a proceeding would be wise or proper in dealing with this question of India and Pakistan.

As I have already said, the dispute over the future accession of the State of Jammu and Kashmir is of a kind in which the Security Council ought to be able to be of great assistance. The parties have agreed — and they have many times reaffirmed their agreement — to decide the future accession of the State by means of a free and impartial plebiscite to be held under the auspices of the United Nations. And I repeat that : "under the auspices of United Nations". Can the United Nations, therefore, do other than continue to strive to create the conditions in which this plebiscite may be held ? Indeed, the danger, which we all have reason to fear might arise, to the peaceful relations of the peoples of India and Pakistan if this question were to be shelved by the United Nations is enough to persuade us that there can be—or there should be—no relaxation of effort on our part to bring about a settlement.

Of course, the United Kingdom Government has in no sense closed its mind to the possibility of a settlement of the problem on lines different from those which we have considered in the Security Council up to now. We have always insisted that the solution to this problem can come only as a result of an agreement by the two governments concerned, and it would follow from this, we should have thought, that if these governments choose to reach a settlement in accordance with principles different from those contained in the two resolutions of the United Nations Commission for India and Pakistan, on which all our recent action in the Security Council has been

based, that settlement would be none the less welcome. I am sure that I speak for other representatives in the Security Council in saying that we do not regard ourselves as having any monopoly of wisdom in regard to this problem and that any agreement between the parties to settle the dispute in any way whatever would be most welcome to all of us. Nevertheless, the only agreement which has been placed on record so far between the Governments of India and Pakistan on this question is that contained in the two resolutions of the United Nations Commission for India and Pakistan. It is because the original agreement between the governments has, therefore, been to decide the future accession of the State of Jammu and Kashmir through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations that the United Kingdom Government has always lent its support for the settlement on such lines. This we shall continue to do unless there is, and until there is some indication from both governments that they prefer to work for a settlement in some other form. In drawing up a draft resolution to place before the Security Council, therefore, the Government I represent has, for this very reason, concerned attention on resolving the main differences standing in the way of agreement between the two parties on the demilitarization of the State and the holding of a plebiscite.

I should now like to examine for a moment, if I may, the extent to which Dr. Graham has been able to obtain acceptance by the two governments of the points contained in his twelve proposals which, of course, are all familiar to us. He originally put these proposals forward on 7 September 1951, and he has presented them in various slightly modified forms since then, ending with his proposals of 4 September 1952. In the first place, as we understand it, it has been agreed by the two governments that demilitarization of the State of Jammu and Kashmir should be effected in a single continuous process. We for our part, have always felt that this would be more logical and, indeed, more suitable than for the demilitarization to be done in two separate operations, as provided for in the resolutions of 13 August 1948 and 5

January 1949. We therefore welcome the acceptance by the parties of Dr. Graham's proposal on this point.

It has also been agreed that on the Pakistan side of the cease-fire line the tribesmen and Pakistan national not normally resident in the State will have been withdrawn by the end of period of demilitarization. In fact, we understand that this has long been the case. Nevertheless, we welcome also this restatement of agreement by the two parties.

We understand that they are further agreed that the Pakistan regular army units should be withdrawn from the Pakistan side of the cease-fire line and that on the Indian side of the cease-fire line the bulk of the Indian and State armed forces should likewise be withdrawn. These are the steps which the two governments concerned have agreed on as the method of reducing the military forces in the State to whatever final figures they may determine between them.

Dr. Graham has also reported that they have accepted proposal that demilitarization should be conducted in such a way as to involve no threat to the cease-fire agreement either during or after the demilitarization period. This seems to us at any rate to be of great significance. If it is taken as a criterion in deciding the stages by which, and the extent to which, the military forces on each side of the cease-fire line should be reduced, it should provide a way of resolving at least the major differences of view that may exist between the two governments. We believe that Dr. Graham, in suggesting the limits within which the final number of armed forces on each side of the cease-fire line should be fixed, was guided by this principal.

If the two governments could decide on a final figure for the strength of their armed forces within the limits suggested by Dr. Graham and, indeed, within the limits which we have incorporated into our draft resolution, they can, we think, assure themselves that, in spite of the considerable reduction in the strength of the armed forces on each side of the cease-fire line, this reduction will, at any rate, involve no threat to the integrity or to the security of the territory on either side,

Therefore, it is our view that, within these limits, final figures for the strength of the armed forces on each side of the cease-fire line can and should be determined; that within these limits figures could be agreed upon which would enable a free and impartial plebiscite to be arranged—and this must, in our view, be the first and principal consideration—and which would at the same time take into account the need to safeguard law and order the integrity of the cease-fire line and the security of the territory on each side of that line.

The Kashmir Militia and the Gilgit Scouts, which occupy a special position, need not, in the view of the sponsors of this draft resolution—I think I am speaking for the representative of the United States too—be included in the total of the forces to be determined in accordance with the draft resolution which we have now jointly put before the Council.

I am sure that representatives have noticed with deep satisfaction the agreement recorded in the first of Dr. Graham's twelve proposals, namely, that neither government will resort to the use of armed force to settle this dispute. I believe that once some evident progress towards the organization of a plebiscite is achieved, the efforts of the people of Kashmir on both sides of the cease-fire line and, indeed, of the peoples of India and Pakistan also, would be concentrated on the task of organizing the methods and procedures to enable the people of Jammu and Kashmir to express freely their wishes on the question of the accession, and that, once this stage was reached, the talk of war and threats of war, which we have all so much regretted in the past, would, as it were, become a thing of the past. Of course, should there still be doubts on this score, I should hope that the parties would remember the proposal which my Government and the Government of the United States put forward in the draft resolution of 21 February 1951 [S/2017]. It may be remembered that at that we suggested that a neutral force might be used to facilitate demilitarization. If demilitarization on the lines suggested by Dr. Graham and by our own draft resolution can be brought about. I do not believe that the device of a neutral force would in any sense be necessary. Of course not. But, should the

fear that demilitarization may lead to a renewal of conflict in Kashmir still exist perhaps we might, with respect, urge whichever of the parties feels this fear to reconsider the proposal that a natural force might then be made available.

In this way, therefore, we would hope that an agreement might at last be reached by the two governments on the extent of demilitarization; on the number of armed forces to be left on each side of the cease-fire line at the time when the plebiscite is to take place. Dr. Graham, in paragraph 38 of his last report [S/2783], observes that not only the number of armed forces but also their character remains to be settled which of course is true. On this question of the character of the forces, I would simply say that we would hope that agreement could quickly be reached, based on the principle I have mentioned earlier that at no stage should demilitarization involve a threat to the cease-fire agreement. This would mean that the forces of each side of the cease-fire line should make it clear that the United Kingdom Government has never thought that the proposal to limit the forces on the Pakistan side of the cease-fire line to an armed civil police force while leaving a military force on the other side of the cease-fire line was consistent with a really free plebiscite. I hope that representatives will join me in urging that the parties should resolve any differences they may still have on this point in the way which I have suggested.

In the draft resolution [S/2839] which the United Kingdom and the United States have placed before the Council, it is sought to concentrate attention on this one question, namely, of determining finally the figures to which the armed forces on both sides of the cease-fire line are to be reduced. It will be seen that the suggestion contained in the draft resolution is that the two governments should negotiate directly with each other to this end. We would hope that Dr. Graham will be ready to assist the two parties in any way they may indicate, add we have framed the draft resolution so as to provide for this possibility. We would hope, however, that the Council will agree that at this moment the primary responsibility for working out an agreement should lie with the two

governments themselves. The United Kingdom Government, therefore, would earnestly hope that the Governments of India and Pakistan would each appoint representatives with adequate powers to enable them to negotiate a final agreement on demilitarization. In the draft resolution we have suggested that these negotiations should take place in New York. This seems likely to be the most convenient agreement since, after all, while the General Assembly is in session the ministers and representatives of the two governments, who will be concerned with the negotiations are in addition likely to be engaged with the work of the General Assembly.

It will also be seen that the draft resolution requests the two governments to inform the Security Council of the results of their negotiations within a period of thirty days. In view of the urgency of a solution and the narrow gap, as we think, to which the differences between the two parties seem to have been brought, the sponsors of the draft resolution believe that members of the Council will think it desirable that a further report should be placed before them within the period which we have indicated in the draft resolution.

Once agreement is reached on the level of the armed forces at the end of the demilitarization, surely a will be but a short step for representatives of the two governments, sitting in joint session with military experts of of course, to draw up a detailed programme of disbandment and withdrawal.

The two governments have already agreed that such a programme should be carried through within ninety days from the date of its signature by them. Within a matter of months, therefore, we might hope to see the forces in Kashmir reduced to the level at which a fair and impartial plebiscite could take place. Within a matter of months we might hope to see the Plebiscite Administrator formally appointed and established inside Kashmir to begin the final task of preparing for the voting to take place.

So near are we to a solution--or so it seems to us--of this difficult and dangerous problem which has so long exercised our minds and unsettled and weakened an extensive and vitally important region of the world; so near are we to a

solution if only the spirit of compromise and the determination of both parties to achieve a settlement can be brought to grapple with the outstanding differences between them

The sponsors of this draft resolution hope that there will be no tendency on the part of either of the two governments to go behind the the agreements enshrined in the two resolutions of the United Nations Commission for India and Pakistan which have been agreed on. These resolutions, as we think, contain all the elements of a settlement. Reinforced and amplified as they are by the agreements of the two governments to all but two of Dr. Graham's twelve proposals, they provide the Security Council and the parties with a framework on which to build, and they also provide certain agreed principles according to which that building should be done.

The ultimate objective of a fair and impartial plebiscite under the auspices of the United Nations has after all been written into solemn agreements by the two governments and endorsed by this Security Council. These agreements have been affirmed and reaffirmed by the two governments many times during the last three and a half years. The transformation of this agreement into the reality of the actual voting ought not to present insuperable difficulties. We have recently seen the tremendous achievement—if I may say so with respect—of the Government of India in organizing and carrying through a fully democratic election throughout its vast territory. From this great example it is clear that the will of the people of Kashmir and Jammu in this question of accession could be ascertained without any insuperable difficulty.

It is therefore too much to hope that the two governments can now resolve their differences and show by example how the precepts which the United Nations frequently affirms can be put into practical effect and made the instrument of a political settlement which would not only satisfy the aspirations of the people of Jammu and Kashmir but would also add greatly, as we all know, to the happiness, prosperity and security of peoples throughout the free world.

91. Text of the speech made by Mr. Gross (United States of America) in the Security Council meeting No. 607 held on 5 December, 1952.

This controversy is now quite familiar to us all but no less a problem for that reason. As members of the United States have attempted in their draft resolution [S/2839] to put forward the elements for a settlement, I should like briefly to review the role of the Security Council and of the parties, as my Government sees it, in attempting to resolve this controversy. When one considers that it has been before the Security Council for nearly five years, we can conclude, unless past efforts of the Security Council are largely discounted, that the solution will not come simply.

It seems to me that the principles on which we are trying to proceed to assist the parties to carry out their Charter obligations are these.

In the first place, a lasting political settlement must be an agreed settlement.

Secondly, the Security Council will, we feel, always welcome any agreement which the parties themselves can reach on any basis which will settle the dispute, provided of course that basis is consistent with the principles of the Charter of the United Nations.

Thirdly, we feel that it is the role of the Security Council to assist the parties in seeking to reach agreement. In this case the Security Council has made available the services of Mr. Frank Graham as the United Nations Representative.

Fourthly, we believe that agreement most frequently is reached step by step through negotiation and that negotiation involves an element of compromise.

Finally, we believe that the Security Council should consider with care the views and the recommendations of its representative and indicate to him and to the parties its views on the positions he has taken.

With the permission of the President, I should like now to examine the draft resolution [S/2839] before the Council in the light of these principles.

The draft resolution recalls the basic agreements which the parties have reached thus far, the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949. These resolutions provided that the question of the accession of Kashmir would be decided through a free and impartial plebiscite conducted under the auspices of the United Nations. We shall be concerned here with the principles those resolutions set out, which would form the basis for truce agreement. The United Nations Representative has demonstrated that he is well aware of them. He has set them out in his first report (S/2375), circulated on 15 October 1951.

The draft resolution before the Council goes on to recall the three resolutions the Security Council during the period when Mr. Graham has been acting. Then it endorses the general principles which he has formulated and on all but two of which an agreement has now been reached between the parties. The draft resolution goes on to note that a plan of demilitarization is not now in existence because agreement has not been reached on one issue. As the United Nations Representative has narrowed the difference down to this one issue, we feel that it is quite appropriate for the Security Council to examine the ways in which the United Nations Representative and the parties have approached this issue. As a co-sponsor of the draft resolutions, my Government's examination of this process and our reflection on Mr. Graham's views have led us to arrive at and agree with the United Kingdom Government on the document now before you.

After sixteen months of effort, of wise effort, Mr. Graham is reporting that he has narrowed the problem down to the number and character of forces to remain on each side of the cease-fire line. He has put before the Security Council methods, either of which might, in his view, help the parties to settle this issue: either the establishment of the number and character of forces to remain on either side of the cease-fire line; or the determination of these numbers as a result of studying criteria or principles. This means that the parties would consider why any troops are involved, what they are needed for, and in view of their mission, how many are needed

The draft resolution, in its operative paragraph, encourages the parties to negotiate for the purpose of reaching agreement on a specific number of forces within certain bracketed ranges suggested to them by the United Nations Representative. The draft resolution also urges the parties to negotiate, bearing in mind the principles or criteria which would lead to a decision on what the precise numbers should be. Presumably, we venture to think the United Nations Representative suggested some bracketed ranges of figures as a result of his own study of these principles or criteria which he later put before the parties.

The United Nations Representative, Mr. Graham, reported to the Security Council, on 10 October 1952 [605 meeting], that the parties had been able to agree some points of his twelve point programme and that the differences between them on the twelve-point programme had been narrowed down to one main point on which the whole plan depended.

Mr. Graham describes this—and I use his own words as “the issue of the number and character of forces to remain on either side of the cease-fire line at the end of the period of demilitarization. In his third report to the Security Council [S/2611 and Cor. 1], on 22 April 1952. Mr. Graham recommended that his own negotiations with the parties be continued with a view to “resolving the remaining differences on the twelve proposals with special reference to the quantum of forces to be left on each side of the cease-fire line at the end of the period of demilitarization”.

Mr. Graham has, from time to time, put before the Security Council various proposals which he has suggested to the parties during his sixteen months of devoted efforts. Mr. Graham left open, in the form of blank spaces to be inserted by the parties, the number of forces on which they would agree. On another occasion Mr. Graham suggested that the numbers be arrived at by relating them to the proportion of force as they existed at the time of the cease-fire and the cessation of hostilities. Again, more recently, he suggested on 16 July of this [S/2783, annex 3], certain bracketed numbers within he recommended that the parties seek a specific figure. After that he arrived at the point of suggesting, on 2 September of this year [S/2783,

annex 7], that at the end of the period of demilitarization there should be an armed force of 6,000 on the Pakistan side of the cease-fire line, the tribesmen and Pakistan troops having been withdrawn, and large-scale disbanding and disarmament of the *Azad* Kashmir forces having taken place, while on the Indian side of the cease-fire line there should be an Indian army of 18,000, including the State armed forces. Mr. Graham also came forward with the suggestion that it might be helpful to the parties to consider the principles or criteria for arriving at figures, and this he suggested on 4 September 1952 [*S/2783, annex 8*].

I think it is fair to conclude that in coming forward with these proposals, Mr. Graham had taken the advice of his military adviser, and that the numbers he has suggested are not guesses arising from some sense of political expediency. Rather, it is fair to view them as carefully considered suggestions of the United Nations Representative, bearing in mind the basic agreement of the parties heretofore reached in the form of the resolutions of the United Nations Commission for India and Pakistan. Mr. Graham has emphasized over and over again the importance of these agreements, the way in which they present problems which will exist for both parties at the end of the period of demilitarization. In his most recent statement Mr. Graham tells us that there is an agreement between the parties that on the Pakistan side of the cease-fire line, the tribesmen and Pakistan nationals not normally resident therein who have entered the state for the purpose of fighting will have been withdrawn, and that the Pakistan troops will have been withdrawn from the state. There is also an agreement that on the Indian side of the cease-fire line the bulk of the Indian forces in the State will have been withdrawn. He has suggested the various methods. I have outlined for assisting the parties what forces shall remain.

Having considered the United Nations Representatives carefully formulated suggestions on this question, and recognizing the considerable thought and effort that must have gone into arriving at them, the United Kingdom and the United States Governments, together, have put forward the draft resolution

urging the parties to negotiate. We have urged them to negotiate to arrive not at a number which we suggest but the number within the range which Mr. Graham himself suggested on 16 July of this year. It was on the basis of these ranges of figures, the Security Council would recall that Mr. Graham reported the willingness of the parties to go to Geneva during the year and to negotiate. We therefore have arrived at these suggestions of the United Nations Representative as a considered judgement of his, which we support and the urge the parties to use in seeking agreement between themselves.

As the United Kingdom representative has pointed out [606th meeting], the Kashmir Militia and the Gilgit Scouts, occupying as they do a special position, could not be computed in arriving at figures within the range on which the parties urged in our draft resolution to negotiate.

The ranges of numbers contained in the draft resolution were taken from the 16 July 1952 proposals of the United Nations Representative, on which the parties had agreed to go to Geneva and negotiate.

Thus, the co-sponsors, the United States and the United Kingdom are relying upon a suggestion of the mediator, and for that reason the draft resolution, document S/2839, reads in part as follows :

"...this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 and 18,000 armed forces remaining on the Indian side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952 (annex 3 of S/2783) ..."

The Security Council will notice that the draft resolution urges the parties to negotiate "bearing in mind" the principles or criteria which the United Nations Representative suggested on 4 September of this year. The co-sponsors feel they are worthy of careful attention.

These principles, as they relate to the point we are

discussing, are contained in annex 8 to the United Nations Representative's fourth report (S/2783). Paragraph 7 reads as follows :

"Agree that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be.

"(a) *On the Pakistan side of the cease-fire line :*

"(i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;

"(ii) The Pakistan troops will have been withdrawn from the State;

"(iii) Large-scale disbanding and disarmament of the *Azad* Kashmir forces will have taken place; so that at the end of the period of demilitarization there shall be the minimum number of forces that are required for the maintenance of law and order and of the cease-fire agreement, with due regard to the freedom of the plebiscite;

"(b) *On the Indian side of the cease-fire line :*

"(i) The bulk of the Indian forces in the State will have been withdrawn;

"(ii) Further withdrawals or reductions, as the case may be, of the Indian and state armed forces remaining in the State after the completion of the operation referred to in sub-paragraph (b) (i) above will have been carried out; so that at the end of the period of demilitarization there shall be the minimum number of Indian forces and State armed forces that are required for the maintenance of law and order and of the cease-fire agreement, with due regard to the security of the State and the freedom of the plebiscite."

It will be recalled that the parties had agreed that :

"... the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period referred to in paragraph 6 above" (S/2783, annex 8, para. 8).

The parties had agreed to a revised version of the ninth principle, which is firmly based on the two United Nations Commission resolutions, that :

"... pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the United Nations (S/2783, annex 8, para. 9).

I have taken the liberty of reading these principles or criteria because, in the nature of things, they must be the consideration which have led the United Nations Representative to arrive at the concrete figures he has suggested to the parties, including the range of figures concerning we are urging the parties to negotiate. It will be noted that Mr. Graham has suggested as one principles here, as on previous occasions, that the large scale disbanding and disarmament of the *Azad* Kashmir forces will have taken place so that at the end of the period of demilitarization there shall be the minimum forces required for the maintenance of law and order and of the cease-fire agreement with due regard to the freedom of the plebiscite. We have accepted what we conclude to be the United Nations Representative that the forces -- and that is what he calls them -- which remain on the Pakistan side of the cease-fire line should be those *Azad* Kashmir forces which remain after large-scale disarming and disbanding of the *Azad* Kashmir forces. We have also accepted the view of Mr. Graham that on Indian side of these cease-fire line the forces should be Indian army forces and State armed forces.

The resolution of 13 August 1948 of the United Nations Commission for India and Pakistan provides in part :

"Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission" (Part II, para. A. 3)"

For the word "Commission" we may read "the United Nations" because that Commission, the United commission for India and Pakistan, is no longer in existence.

Thus it was one of the United Nations Representative's first problems, and one which is still before us, to reduce this principle to the factual situation which would exist at the end of the period of demilitarization. Originally he proposed—but lacking agreement of the parties did not pursue this proposal after December 1951—that on the Pakistan side of the cease-fire line the force should consist of civil armed forces. He has since consistently suggested, if we read his language correctly, that these forces should be *Azad* Kashmir forces. After dropping his original proposal in December 1951, he suggested that the United Nations surveillance be effected by removing the *Azad* Kashmir forces from the administrative and operational control of the Pakistan High Command, and by having them officered by neutral and local officers as I have stated, under the surveillance of the United Nations.

He finally suggested that the remaining *Azad* Kashmir force should be the minimum number necessary for the maintenance of law and order, with due regard to the freedom of the plebiscite. Thus, it is fair to say that the United Nations Representative considers that some *Azad* Kashmir forces would remain. The co-sponsors agree with this position.

The United Nations Representative has specified what the function of these remaining *Azad* Kashmir forces would be. He has described it as "the maintenance of law and order and of the cease-fire agreement, with due regard to the freedom of the plebiscite".

As the resolution of the United Nations Commission for India and Pakistan states in the part which I have just read, these forces would be in territory evacuated by the Pakistan troops and administered by the local authorities under the surveillance of the United Nations. Considering then what the functions of these remaining *Azad* Kashmir forces would be—as Mr. Graham has stated them—operating in an area evacuated by Pakistan troops, I think it is clear that they would be separated from the administrative and operational control of the

Pakistan High Command. This position was apparently acceptable to the Government of Pakistan when it indicated to Mr. Graham that it was prepared to accept, subject to certain observations not here relevant, his proposals of 16 July 1952. The draft resolution takes into account the conclusion which United Nations Representative had previously reached.

He also indicates that the role of the Indian army forces on the Indian side of the cease-fire line would call for a minimum number of Indian forces remaining to ensure the maintenance of law and order and the observance of the cease-fire agreement and with due regard for the security of the State. This also is entirely consistent with the resolution of the United Nations Commission for India and Pakistan of 13 August 1948. Paragraph B (3).

It may well be that the United Nations Representative's assistance will help the parties in approaching these problems. Therefore, the operative paragraph of this resolution attempts to organize and put before the Security Council and the parties some of the suggestions of the United Nations Representative on the one issue which all are agreed is at the root of the problem. From what I have said I hope it is clear that the co-sponsors, like the United Nations Representative, have attempted to build on the United Nations Commission resolutions and at each stage to narrow rather than to broaden the areas in which agreement is thus far lacking. As the representative of the United Kingdom has observed, we hope that there will be no tendency on the part of either of the two Governments to reopen questions already agreed on under these resolutions.

We have attempted to put before the parties some of the wisdom and some of the suggestions of the United Nations Representative and to urge them to negotiate to attempt to reach a solution. We have asked them to provide the Security Council with their own account, in their own words, of where these negotiations lead them. We have done this because we see in this case an element of urgency. It is a case which, as Mr. Graham stated to the Security Council on 10 October [605th meeting], should not be allowed to drift lest the parties

and the organized society of nations should find themselves in a position of greater danger.

In the areas of agreement thus far reached, the United Nations Representative, by formulating his proposals and by his negotiations, has, in the view of my Government, assisted the parties. The draft resolution does not in any way impair or limit Mr. Graham's authority under the previous Security Council resolutions, and we expect and hope that he will continue to exercise his functions under them. Therefore, the draft resolution not only expresses the gratitude of the Security Council to him but requests him to continue to make his services available to the Governments of India and Pakistan. It also endorses the principles on which he has sought to bring about agreement.

In conclusion, I return to the general principles with which I began my statement. This draft resolution offers to the parties an opportunity to arrive, by their negotiations, at a statement of the final issue now standing in the way of the demilitarization of the State and the planning for a plebiscite, including the induction into office of the Plebiscite Administrator.

The settlement itself, when it comes, will be the result of free agreement by the parties themselves. The Security Council and the United Nations Representative can simply assist the parties in reaching agreement.

The United States Government would welcome the agreement of the parties on any just basis which would settle this dispute. The road we have suggested reflects much thought and much negotiation. The United Nations Representative recognizes that there may be more than one road to settlement. He has told the Security Council in his fourth report that when he invited the parties to negotiate at Geneva he made it clear to them that he would at all times welcome suggestions from either Government directed towards the settlement of the main differences on the twelve proposals, the general implementation of the United Nations Commission resolutions and the solution of the dispute. The representative of the United Kingdom

stated to the Council on 6 November [606th meeting] that his Government had in no sense closed its mind to the possibility of a settlement of the problem on lines different from those which we have considered in the Security Council up to now.

Of course, the numbers of troops which we have urged the parties to negotiate on, and the criteria which we have urged them to bear in mind, are not now agreed on by them. If such agreement had, happily, been reached, there would be no occasion for this or any other draft resolution except, perhaps, an expression of gratification for a solution reached. Negotiation must, in the nature of things, involve the element of give-and-take and the possibility of compromise. We have attempted to restate in the draft resolution an appreciation of the views of the United Nations Representative about how such compromise might be brought about.

The United States takes seriously the view of Mr. Graham that there is danger to us all in allowing this case to drift. As the representative of the United Kingdom put it, we cannot leave it to settle itself.

All Members of the United Nations have an interest in seeing this dispute settled peacefully. The United States, for its part, feels that it has more than an interest in the matter: it has the most earnest desire to see the two great States of the subcontinent join together to assure their mutual peace and security as well as their mutual prosperity.

These two nations have much more in common than the fact that they are neighbours. Whole areas of understanding between them should and, we believe, will exist once this dispute has been settled. Leadership and statesmanship by the Governments of India and Pakistan can bring about that result which we devoutly seek.

I have no words to match the eloquence of Mr. Graham, and I take the liberty of concluding with a quotation from the statement he made in the Security Council a year ago [570th meeting, paras. 66 and 70]:

"The opportunity in time and place is for the leadership on the subcontinent, tested in the struggles and sufferings for

the human liberty of 400 million human beings, to help prevent the destruction of human freedom and the self-destruction of civilization by setting challenging examples of demilitarization, self-determination, reconciliation and reconstruction in a fearful and broken world...

"The subcontinent is the place for a timely example of demilitarization and of self-determination. Now is the time for the dedicated leadership of two great people to rise to the call of their spiritual heritage, the responsibility of their power and the opportunity for their greatness to give in a dark world challenging examples and fresh hopes to the peoples in the unresting adventure of the human spirit, through the United Nations, in the long pilgrimage towards a freer and fairer world, in answer to the prayers of the people for peace and freedom on God's good earth."

**92. Text of the Speech made by Sir Pierson Dixon
(United Kingdom) in the Security Council
Meeting No. 765 held on 24 January 1957**

It is a matter of very deep regret to my Government that the Security Council should have to be dealing once more with the Kashmir dispute. There is the closest relationship between my country and all the peoples of the sub-continent—if I may use a term which, I agree with the representative of India, is not a very elegant one. Ties of history, of sentiment and, as we firmly believe, of interest also, link our small island kingdom with every part of that vast section of Asia.

We are proud of our part in the constitutional development of the Commonwealth. We like to think that, in a period which is past, we contributed not a little of our own to the inheritance of the age-long civilizations of that part of the world. There is much that we have learnt in return.

In the past, as the present, our constitutional relations with the various parts of this area have differed, but our good will to every part of it remains the same.

I should like to take this opportunity of expressing my gratification at the generous remarks that have been made in the course of this debate about the attitude of my Government and of the role played by many of my countrymen during the difficult and anxious period of travail that gave birth to the India and Pakistan of today. Only the voice of envy would, I think, deny that the Englishmen, the Scots, the Welsh and the Irish—for, on a small scale, we too have our diversity—all those who served the Crown in the old imperial India and in the transitional period came to feel a deep devotion to the peoples among whom they passed their lives and gave of their best.

In the altered circumstances of today those feelings persist. From the bottom of our hearts we wish well to the peoples of India and Pakistan. They are partners with us, and with many others, in a community which rises above differences of race or creed and which is, I think, unique not only in the present world, but in world history. Everything that unites these two countries gives us deep satisfaction; anything that divides them causes us deep concern.

Unhappily, today the Security Council is dealing with a problem that does deeply divide these two countries. That the difference is a deep one and that it has caused the strongest emotional reactions on both sides, it would be useless to deny. It is, therefore, the desire of my Government, as it is certainly the duty of the Security Council, to proceed in this matter with the greatest prudence and foresight. Under the United Nations Charter, the Security Council is charged with primary responsibility for the maintenance of peace and security on behalf of the Members of the United Nations as a whole. I am sure that the Council will do its best to act in the spirit of the great responsibilities which it bears.

I shall have more to say at a later stage of the proceedings about many of the matters of substance touched upon in the statements of the Foreign Minister of Pakistan and the representative of India. At this stage, however, I propose to limit myself to the subject matter covered by the draft resolution which my delegation has joined in sponsoring [S/3778]. This

particular matter has, of course, been considered by the Council before.

The Constituent Assembly was established in Srinagar in 1951. As Mr. Krishna Menon pointed out yesterday, its primary task was to promote the processes of self-government in Kashmir territory. That is not a matter which in itself comes within the jurisdiction of the Security Council, and my Government, for one, of course, welcomes any step towards the development of democratic processes in Kashmir as elsewhere; but when its attention was called to the matter in 1951, the Security Council could not fail to take note of the reports that one of the functions of this Constituent Assembly would be a decision on the future shape and affiliation of Kashmir.

The Council was naturally concerned that nothing done in Kashmir should prejudice a settlement of the whole issue in accordance with the principle that had been the basis of its consideration of the matter since 1948, that is to say, that the final disposition of the State of Jammu and Kashmir should be made in accordance with the wish of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

What action did the Council then take? It did not seek to interfere with the processes of democratic development in Kashmir, but it affirmed a quite simple proposition that the convening of the Constituent Assembly and any action that it might take would not constitute a disposition of the State in accordance with the principle to which I have just referred.

The Council was assisted in its task at that time by the explicit assurances at various stages of the proceedings by the representatives of the Government of India. In particular, on 9 March 1951, Sir Benegal Rau had this to say :

"Will that assembly decide the question of accession? My Government's view is that, while the constituent assembly may, if it so desires, express an opinion on this question, it can take no decision on it." [536th meeting, para. 23.]

Then, after the resolutions had been passed, Mr. Dayal

on 29 May 1951 reiterated this assurance and said something else, which I should also like to quote :

"...I re-affirm that so far as the Government of India is concerned, the constituent assembly for Kashmir is not intended to prejudice the issue before the Security Council or to come in its way." [548th meeting, para. 40.]

The position thus was quite clear, and I now turn very briefly to what has happened since. If I understood Mr. Menon correctly when he spoke yesterday, [763rd meeting, paras. 135 ff.], he said that the Constituent Assembly for Kashmir had passed a Constitution, some of the clauses of which came into effect automatically on 17 November 1956, and others will come into effect on 26 January next. In particular, Mr. Menon referred to section 3 of the Constitution as already being in effect, and that section, I believe, states that the "State of Jammu and Kashmir is and shall be an integral part of the Union of India". In these circumstances it is surely quite natural that the Government of Pakistan should seek some reassurance as to the views of the Security Council.

If I understood Mr. Menon correctly yesterday, he said that the constitution for Kashmir which we are considering is that of "a sub-sovereign body" [*Ibid.*, para. 136]. This is, I take it, another way of making the point made by Sir Benegal Rau in 1951 when he told the Security Council that as regards the question of accession the Constituent Assembly can take no decision on the matter.

This, then, appears to be the position today, as it was in 1951. The Security Council, in dealing with this limited question, has before it therefore the same considerations as it had in 1951. In these circumstances there appears to be no reason at all to modify the simple proposition set out in certain parts of the Security Council resolution of 30 March 1951 [S/2017/Rev. 1] to which I have previously referred.

In view of the expressed anxiety of the Pakistan representative on this score, it seems to me reasonable for the Security Council to consider a short draft resolution which

re-affirms the clear stand it took in 1941. It is for that reason that the United Kingdom joined in sponsoring the draft resolution before the Security Council.

My colleague from India complained this morning that the draft resolution had been circulated before he had completed his speech. Perhaps I should say, as one of the sponsors, that I had taken the statement we listened to yesterday afternoon as a clear exposition of the Indian position on the particular aspect of the Kashmir problem with which the draft resolution deals, that is, the point relating to this constitutional issue. There is, of course, a special reason for expedition in connexion with this particular point, since the other party to the dispute, the Government of Pakistan, has expressed concern lest some step might be taken in the very near future, that is, on 26 January. For the practical purpose of our discussions here in New York, this date may in fact partially be considered as 25 January, since New York is eleven to twelve hours behind Delhi and Karachi in time. It is evident, therefore, that time is very short if some reassurance is to be given.

There are, of course, other matters of the greatest importance referred to in the speeches of the representatives of Pakistan and India. These matters are before the Security Council, and they are matters which require full and most careful consideration. It is for this reason that it seems wise to include operative paragraph 2 in the draft resolution, and I would wish to return to these questions at that later stage.

**93. Text of the Speech made by Mr. Walker
(Australia) in the Security Council meeting
No. 765 held on 24 January 1957**

It is not my intention today to enter at any length at all into the substance of the difficult and long-standing problem of Kashmir, but I thought I should say a few words immediately regarding the draft resolution which, together with several other representatives here, we are submitting to the Council. We think that it is necessary to present this draft resolution now

and to comment briefly on it just because of the march of the calendar and the references which have been made to the date of 26 January, which, together with India, we share as a national festival.

I should like to say that, so far as I am concerned, I took the representative of India's remarks yesterday as being a full statement on the particular matter to which this draft resolution is addressed, and for that reason I was prepared to join in sponsoring the draft resolution this morning.

The Kashmir problem is one that has occupied the attention of the Security Council for a number of years, and I think it will be recognized that if a solution satisfactory to both India and Pakistan has not been put into effect, it is not through any lack of effort on the part of the Council or through any failure by the members of the Council to study the complexities of the problem in a spirit of good will towards both parties. Indeed, the Council has, in its past resolutions, laid down certain basic steps that should be taken towards a solution, steps which were firmly founded upon the principles of the Charter of the United Nations.

The first step was to establish and police a ceasefire, which happily is still in force. In an attempt to move ahead towards a constructive solution, the Council has declared the rights of the people of Kashmir to determine their own political future and has placed faith in the recognized democratic method of a plebiscite to be conducted in conditions that would ensure a free vote without any concern. However, the Council's efforts, through its Commission and its successive Representatives, to bring this about have not yet been successful, and we are again requested, this time by Pakistan, to take up the matter.

The Australian delegation enters upon this discussion with a deep sense of responsibility, for the people of Australia have followed this problem of Kashmir with great anxiety and concern. One of the most remarkable results of the United Kingdom's policy in terminating imperial rule in India was that it paved the way for a new relationship between Australia, on the one hand, and India and Pakistan, on the other. The

growing sense of our partnership with India and Pakistan in the Commonwealth has been a prominent factor in the minds of Australians in recent years, and today the Australian people are widely conscious of their close ties with India and Pakistan, ties that have been strengthened by personal contact, especially with the many young men and women who have come to study in our universities and colleges.

This conflict over Kashmir has grieved us, and, as is usual when one's close friends quarrel, we have not been eager to take sides. But we have endeavoured to understand sympathetically the issues at stake and to encourage an amicable settlement. The efforts of the Australian Prime Minister, Mr. Menzies, in this direction are well known, as is the work of Sir Owen Dixon, the United Nations Representative in 1950, and of General Nimmo, the present United Nations Chief Military Observer in Kashmir.

We Australians believe most sincerely that the continuing existence of this conflict can only bring with it evil effects for peace in the sub-continent, for the evolution of democratic government in the two countries, and for the economic development of Kashmir and the welfare of its people. The sole interest of the Australian Government in this matter is to do what we can, in the circumstances prevailing, to assist the parties to find a just and mutually acceptable solution of this problem.

We have listened most carefully to the statement made before the Council last week by the Minister for Foreign Affairs of Pakistan, Mr. Khan Noon [761st meeting], and to the detailed reply we heard yesterday and today from the representative of India, Mr. Krishna Menon [762nd to 764th meetings.] Both statements are extremely important and require the most painstaking consideration in the Council, and I can assure Mr. Noon and Mr. Menon that their observations and arguments will receive close and serious examination by my delegation and by the Australian Government.

Those statements exposed very clearly the complexity of the problems that had to be faced by the United Kingdom and by the political leaders of India and Pakistan in connexion with

the transfer of sovereignty, the establishments of practicable systems of government, and the settlement of the delicate issues relating to the former Princely States. That there are limits to human wisdom and the capacity to solve such problems is unfortunately all too true, and is tragically illustrated by the situation in Kashmir. Nevertheless, one cannot but note that the achievements of both India and Pakistan in building their State are in part a reflection of the great measure of wisdom displayed by those who had to resolve the difficult constitutional and related problems that have been explained to us in these statements.

I am not at all convinced that it would be desirable for the Council to take up in detail many of the particular questions of past history that have been ventilated by the representatives of Pakistan and India. The charges and counter-charges of conspiracy and aggression have been considered at great length by the Council in the past. It seems to me most important at the present stage to concentrated our attention upon the fundamental principles already recognized by the Council.

There is no doubt in my mind that whatever varying interpretations may have been placed by India or Pakistan at various times on the conditions to be fulfilled before a plebiscite should be undertaken, and whatever the course of action of these parties at various stages of the dispute, the Security Council has committed itself to the principle that the wishes of the Kashmiri people regarding their future should be established through a plebiscite under the auspices of the United Nations. As I see it, this is the view of the Security Council, as expressed in several resolutions, and it is my impression that the Council has in the past considered India and Pakistan as having accepted this principle.

Perhaps I should say in passing that Mr Menon's statement, interesting and powerfully argued though it was, still leaves me in some doubt as to just where the Indian Government stands today in relation to this principle, and it may be necessary for us to go into this question at a later stage. But

it has no bearing on the fact that the Council has been, and is of this moment, committed to the principle of a plebiscite.

The Security Council also considered it necessary almost five years ago to record its view that any action taken in a Constituent Assembly in Kashmir to determine the political future of the people of Kashmir would not constitute a disposition of the State in accordance with this principle.

What view is to be taken, therefore, by the Security Council as to the significance of the deliberations of the Kashmir Constituent Assembly? I confess that it is not altogether clear to me just what is expected to happen in Kashmir from a constitutional viewpoint on 26 January. I understand that the Constituent Assembly has adopted a Constitution for Kashmir, some of whose provisions were operative from 17 November 1956, and the remainder were to come into effect on 26 January. What is not completely clear is to what extent this represents any new step purporting to determine the future affiliations of the State of Kashmir and whether it is regarded by the Government of India as raising a new barrier in the way of a plebiscite in accordance with the Security Council's past resolutions.

I do not know whether the Government of India itself proposes to take any formal step to accept such changes as are purported to be made through this Constitution drawn up by the Constituent Assembly. It would seem to us that any such formal action would be in conflict with the past resolutions of the Council. If, on the other hand, the Constituent Assembly is merely going to dissolve itself on 26 January and celebrate the completion of its activities, the question remains as to whether those activities are regarded by the Government of India as having any bearing on the disposition of Kashmir and the question of taking a future plebiscite. If so, they would seem to us to be equally inimical to the Council's past resolutions on this subject.

In these circumstances, it does seem desirable to us that the Council, before going any further with its examination of this difficult and important problem, should draw the attention

of all concerned to the Council's earlier decisions. For this reason, the Australian delegation has joined in sponsoring the draft resolution which is before us, and it expresses the hope that the Council will adopt it without undue delay.

**94. Text of the Speech made by M. Nunez Portuondo
(Cuba) in the Security Council Meeting No. 765
held on 24 January 1957**

The delegation of Cuba wishes to pay a tribute to the magnificent oratorical efforts of the Minister for Foreign Affairs of Pakistan and the Ambassador of India, whose statements will undoubtedly be of great value when we come to discuss and consider the substance of this problem.

The proposal which we have presented in our draft resolution and which is now before you in what might be called a preventive measure, that is to say, a measure which is to a certain extent provisional. In passing, I might say that the delegation of Cuba would have preferred this draft resolution to be presented after the representative of India had finished his statement. However, we do not believe that the representative of India can have any reason to oppose this draft. The first part of it refers to the views of the Prime Minister of India, Mr. Nehru, for whom I have the greatest respect and admiration, who stated in a telegram of 8 November 1947 to the Prime Minister of Pakistan :

"It will thus be seen that our proposals which we have repeatedly stated are (1) that the Government of Pakistan should publicly undertake to do its utmost to compel the raiders to withdraw from Kashmir ; (2) that the Government of India should repeat its declaration that it will withdraw its troops from Kashmir soil as soon as raiders have withdrawn and law and order are restored ; (3) that the Governments of India and Pakistan should make a joint request to the United Nations to undertake a plebiscite in Kashmir at the earliest possible date."

This statement by the Prime Minister of India, which does him very great honour and is fully in accordance with the principles of the Charter and with the right of peoples to self-determination, is exactly what we propose in the first part of our draft resolution when we say that "the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite under the auspices of the United Nations".

Our draft resolution therefore introduces nothing new but simply reaffirms the earlier resolutions of the Council and accepts that which, at one time, was also accepted by the representatives of both Pakistan and India.

I likewise see no reason why the second part of the resolution cannot be accepted by the Indian delegation, because the representative of India has repeatedly stated that the recent decisions of the Constituent Assembly in regard to Kashmir could not affect the final disposition of Kashmir since in his view Kashmir formed part of India as a result of actions prior to the establishment of that Assembly. If, therefore, he really believes that is the situation in regard to Kashmir—a view which is not shared by many members of the Security Council—then the second part of the draft resolution should likewise not affect that situation in any way.

The delegation of Cuba therefore considers that the draft resolution is a reaffirmation of the Council's position, of the clear and binding provisions of the Charter, and of the right of peoples to self-determination. At a later stage, of course, the Council shall have to consider the time and circumstances of this plebiscite, which must be held—and here I agree, of course, with the representative of India—once the proper conditions have been met, that is to say when it can be held in such a way that the people will be freely able to express their choice and their will and decide whether to join Pakistan or India.

Because this is a provisional measure and a reaffirmation of our earlier decisions, which at one time were acceptable

to India and Pakistan, the delegation of Cuba has co-sponsored this draft resolution and will vote in favour of it.

As regards the substance of the problem, the delegation of Cuba will naturally require more time to study all the facts and all that has been said by the representatives of Pakistan and of India. These representatives have made long statements with many references to authorities, documents, rules of international law and so on, which will have to be weighed and analysed before any final conclusion can be reached.

The delegation of Cuba will express its views in the course of the general discussion.

95. Text of the Speech made by Mr. Lodge (United States of America) in the Security Council Meeting No. 765 held on 24 January 1957

In considering the India-Pakistan item the Security Council faces an unfortunate difference of opinion between two nations, whose friendship and esteem is highly valued by the United States. We desire to help them to find a solution to this problem and we approach the question in that spirit. It is regrettable that this dispute has lasted more than nine years, despite the earnest efforts of the Security Council and of its representatives, the individual efforts of certain members of the Council, and the attempts of the parties concerned.

It is a tribute to the Council and to the parties that a cease-fire was achieved on 1 January 1949 [S/1196, para. 14] as part of an agreement by India and Pakistan for demilitarization and for a United Nations sponsored plebiscite. Unfortunately, however, and despite the best efforts of the Council and its representatives, the parties have failed to agree on carrying out the next two steps. It is understandable that strong emotion should be involved on both sides of this problem.

One of the first concerns of the Council has always been that nothing should be done which might aggravate the situation. This was made clear and explicit in the Council's first resolution on the case adopted on 17 January 1948. We

trust that both parties will do their utmost to continue to approach this question with restraint and that they will take such measures as are within their power to assure the maintenance of a peaceful atmosphere.

We appreciate the fact that the representative of India changed the arrangement of his presentation so as to deal with the Constituent Assembly yesterday afternoon [763rd meeting] in order to suit the convenience of the Council. It is to this alone that I now refer and to which the draft resolution is addressed. With respect to the substance of the broad issue, we are studying the remarks both of the representative of India and Pakistan carefully and we will express ourselves on the issue at the proper time.

The Council will recall that on 30 March 1951 it took note of the proposed convening of a Constituent Assembly in Kashmir and affirmed that any action that the Assembly might take to determine the future affiliation of the State would not constitute a disposition of the State in conformity with the agreed principle relating to the free and impartial plebiscite [S/2017/Rev. 1]. The draft resolution we are considering today is basically a reaffirmation of that statement by the Council. It has been occasioned by a complaint that the Assembly, referred to in the resolution of 30 March 1951, has not only convened but has drawn up and promulgated a Constitution, and that this Constitution does, among other things, relate to the affiliation of the State to India.

Differing interpretations have been put on the meaning and effect of this and other actions relating to the connexion between Kashmir and India, extending back to the accession instrument by the Maharaja of 26 October 1947. But one thing is clear. The Constitution approved by the Constituent Assembly of Kashmir deals, among other things, with the affiliation of the State. This represents an important new element in the situation, and the Security Council is bound, in view of its previous stand, to take note of this. The position taken by the Security Council in 1951, in our opinion, remains valid, and we have adhered to it in this new draft resolution.

Finally, the United States lays stress on the final paragraph of the draft resolution before us. In the absence of a direct mutually acceptable agreement between the parties, the Council has an obligation to continue its efforts, as it has in the past, to seek and to support any fruitful suggestion in this difficult case.

**96. Text of the Speech made by Mr. Vesga Duarte
(Colombia) in the Security Council Meeting
No. 765 held on 24 January 1957**

In co-sponsoring the draft resolution before the Council, my delegation is maintaining the stand it has taken on earlier occasions in the Security Council. By a happy coincidence Colombia was a member of the Council in 1948 when this question was first brought before us. We then took the position we are taking today : it was and is our intention to co operate to the best of our ability with the majority of the Council members with a view to securing a peaceful solution of this dispute between those two great nations, Pakistan and India.

I might perhaps add that our interest in the India-Pakistan question to some extent reflects Latin America's understanding of this type of problem ; we remember that when we gained our independence from our respective mother countries, we also had similar problems among ourselves. Experience has taught us that lasting solutions can only be obtained by peaceful means.

As the majority of representatives who have spoken have explained, this proposal is primarily concerned with procedure. We know that in international affairs procedure almost everything and it is therefore most important that it should be understood that in reaffirming earlier Council resolutions, as the co-sponsors of the draft resolution ask the Council to do, we are not taking a position on the substance of the problem, but simply indicating the means whereby a future solution may be sought through peace and understanding between those two great Asian countries, India and Pakistan.

Like the representative of Cuba, I wish to express my admiration for the remarkable statement by the representative of India, who, for over eight hours, was able to hold the Council's attention, thanks to his amazing dialectic ability, and I was happy to note that at the end of his statement he expressed to desire - which I believe to be a sincere one - that a peaceful, permanent and lasting solution may be found to this problem.

In co-sponsoring this draft resolution, Colombia hopes that wish, which is shared by all, may be fulfilled as rapidly as possible.

**97. Text of the Speech made by Mr. Tsiang (China) in
the Security Council Meeting No. 765 held on
24 January 1957**

The Kashmir question is in a way unique among the questions which have come before the Security Council. Usually, questions of this kind concern, on the one side, a country in Asia or Africa and, on the other side, some European country. Here is a dispute between two Asian countries.

When India asked that the Kashmir question be put on the agenda of the Security Council at the beginning of 1948, I was in my own country. My Government instructed me to return to the Headquarters of the United Nations immediately and to do my utmost to promote a peaceful settlement of this question. My Government did that not because it made any difference to China whether Kashmir acceded to India or to Pakistan. My Government had a special reason for its active interest in this question.

We in China felt that, at the end of the Second World War, there emerged in fact a new Asia—in other words, for the first time in our history, the possibility of a community of Asian nations. Of course, in the old centuries, there were many Asian nations but, because of the lack of means of communication, there was little of a community. In the nineteenth

century the sense of a community grew, but it was not a community of independent nations. It was only at the end of the Second World War that we in Asia faced the reality of the possibility of a community of nations. My Government fondly hoped that we in Asia might even do better than the European nations had done in the past. In China we did not know too much about European history, but even school children knew something about Alsace-Lorraine. The Chinese newspapers, at the beginning of 1948, frequently expressed the hope that Kashmir might not become an Asian Alsace-Lorraine to poison this new hopeful community of Asian nations. It was from that angle that my Government instructed me to return to my post as soon as possible and to do active duty in the settlement of this problem.

When I joined the debate I found that the interest in promoting a peaceful settlement of the Kashmir problem was general. I have never seen the members of the Security Council sharing the burdens of discussion and proposal so equally as on this Kashmir question. Every delegation was working actively towards a peaceful solution. During the month of January 1948, the Council was presided over by Mr. van Langenhove, the representative of Belgium. In addition to presiding over this body, he was in daily consultation with the delegations of Pakistan and India and tried, through private conversations, to bring before the Council some solution that would be agreed upon. In February General McNaughton of Canada did the same thing. In March it was my turn to preside and I tried to do something. Then, of course, there was the representative of Colombia, whom I remember very well, Mr. Lopez, who, I was told, had once been the President of his country. He did his level best to contribute towards a peaceful solution. Then, as I recall, there was Mr. Philip Noel-Baker. Everybody worked hard on this.

Now I should like to recall another feature of the Security Council of that time. I think I can honestly say that no question has ever been considered by members of this Council in such an objective, unprejudiced, unbiased way as this Kashmir question. Ordinarily, in the United Nations, we know

that delegation A might be pro-X and anti-Y. In the Kashmir debate, in spite of many private and public discussions, we were all puzzled as to who was for A and against B and who was against A and for B. Especially do I remember Mr. Noel-Baker. I have never seen a man watch his words in public and in private so carefully as Mr. Noel-Baker watched his in this matter. This objective of the Council of that time would, I think, be manifest to anybody who would read the records of the Council of 1948, 1949, 1950 and 1951.

I should like to call the attention of this Council to another feature. At that time there was no SEATO; there was no Baghdad Pact; and Pakistan, I think, did not have a single military ally. Whether, at the present time, the military alliances and friendships of Pakistan could influence the members of the Council or not, I could not presume to judge, but that kind of prejudice certainly did not exist in the Council in 1948, 1949 or 1950.

Since this debate is in fact the renewal of the debate of that period, I thought that this brief report of the atmosphere of that time might be useful to my colleagues today.

The representative of India repeated both yesterday and today that the question before the Council is not a territorial dispute. He says it is the aggression of Pakistan against India. The letter in which India asked the Security Council to put this question on the agenda contains this word "aggression", and I quote the particular phrase in which it is used :

"The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance, which is an act of aggression against India." [S/1100, annex 28, para. 1.]

Assistance in that phrase meant, of course, a complaint of military assistance to "Azad" Kashmir and to tribesmen, and, in the course of the presentation of the Indian case by Mr. Ayyangar, that charge was repeated a number of times.

Sir Mohammed Zafrullah Khan, representative of Pakistan at that time, made a counter-charge of acts of aggression by India against Pakistan. So we faced these rival charges : aggression by Pakistan against India ; aggression by India against Pakistan.

I hope that members of this Council today will take the time to read the records of those years. No member of the Council ever gave serious consideration to either charge, the charge of India or the charge of Pakistan. There never was a proposal made dealing specifically with aggression. In fact, there was no systematic or serious consideration of that charge and of the counter-charge of aggression. The members of the Council, without consultation, all came to the same conclusion, that the charge of aggression should be by-passed. That charge was never take up, never sifted, never even given serious consideration ; I believe it was very wise of the Council to by-pass that charge.

Now it is said that this is not a dispute with regard to territory. However, I cannot understand why anybody should say that this is not a dispute with regard to territory. The basic question is whether the State of Jammu and Kashmir should become a part of India or a part of Pakistan. That is what is in dispute. Is that not a dispute with regard to territory ?

This dispute has another peculiar feature. From the very beginning, the Council began with an agreement between two parties. In fact, before the two parties directly concerned ever appeared before the Council, the two parties agreed that the plebiscite should be the answer. What did the Council do ? The Council tried to build a solution on this prior agreement that the two parties had before they came to this Council. So the idea of a plebiscite was not imposed by the Council on the two parties.

In their public statements the statesmen of both countries, India and Pakistan, have stated that they would be willing to let the wishes of the people of Kashmir decide the future of that State. In this Council, in his very first statement in January

1948, the representative of India, Mr. Gopalaswami Ayyangar, had this to say :

"The question of the future status of Kashmir vis-a-vis her neighbours and the world at large, and a further question, namely, whether she should withdraw from her accession to India, and either accede to Pakistan or remain independent, with a right to claim admission as a Member of the United Nations—all this we have recognized to be a matter for unfettered decision by the people of Kashmir, after normal life is restored to them."
[227th meeting, p. 29.]

This feature of the discussions is rather rare. We here have known cases when weeks and months of debate have failed to find any element of agreement, but in connexion with the Kashmir dispute we began with a major agreement that the final decision as to the future of Kashmir should be left to the people of Kashmir.

In spite of that good start, we have not had much success. The problem of a plebiscite was bogged down under the conditions for a plebiscite. The Council has spent many hours trying to solve that problem. Our Commission and our representatives sent to India and Pakistan have spent many weeks in trying to solve that problem.

What the Council and the Commission and the representatives tried to do was this. If we could secure agreement between the two parties with regard to some particular condition, we were happy, and we put that down on paper immediately as a condition to which both parties agreed. But when we met with some point on which the two parties fell apart we were all patient to listen to the viewpoints of both and in all fairness we tried to draw a middle line and reach a compromise which we knew that neither party would entirely like but which we thought might be fair enough so that both parties would, after all, accept it.

That has not occurred. It is not necessary—and I would not presume to try—to assign blame and responsibility in

regard to these conditions. However, I should like to say that a plebiscite was not only agreed on before the two parties came to this Council; it was the unanimous belief of the members of the Council that a plebiscite was the solution.

Furthermore, what is a plebiscite? A plebiscite, in terms of the Charter, would mean the self-determination of a people. Self-determination is expressed through a plebiscite. I would say that all Members of the United Nations, by becoming Members, by subscribing to the Charter, would have to accept the principle of plebiscite. If we accept a plebiscite we mean, of course, a fair and impartial plebiscite. In regard to this point, that a plebiscite must be fair and impartial, I remember very well a sentence that Mr. Noel-Baker said to the Council during that period. He told us that the plebiscite not only must be fair and impartial in reality but it must be fair and impartial even in appearance. This fairness and impartiality could sway the passions of peoples. It could decide the question of peace or war.

If we honestly and seriously believe that the future of Kashmir should be decided by a plebiscite, I believe both parties should not be too meticulous about conditions. The setting of conditions should not be allowed to obstruct the main purpose, that is, to allow the people of Kashmir to have the right of self-determination.

We were told this morning that much has changed. Indeed, some things have changed, but as I listened to the two opening speeches in this debate, I confess, I did not see much change. I was afraid that the representatives from other parts of the world might say that, after all, the old European belief about the unchanging East was accurate. Certain things have changed, but the basic features of the problem have not changed. I believe the principle of a solution should not change and cannot change.

The draft resolution before the Council is a simple and modest one. It really re-affirms the stand that the Council has taken in regard to this dispute, and therefore my delegation will support it.

98. Text of the Speech made by Mr. Jarring (Sweden)
in the Security Council Meeting No. 765, held
on 24 January 1957

As a newly elected member of the Security Council, Sweden is now called upon for the first time to pronounce itself on the India-Pakistan question, whereas other members have taken part in previous deliberations on the subject. Hence, now that the question has once again been submitted to the Council, my Government does not consider itself committed to any particular way of dealing with this matter.

In accordance with our obvious duty, we have studied the various aspects of the problem with a view to forming an opinion of what solution should be sought and what procedure should be followed. A primary requirement must be that both parties should refrain from unilateral measures which would alter the *status quo*. Thus, for the time being the present demarcation line must be respected. This implies that the use of force aimed at changing the *status quo* must be excluded. It also implies that the parties should desist from taking internal legislative measures by which the State of Jammu and Kashmir would be considered definitely incorporated in the territory of one of the two parties and which would prejudice the Security Council's continued deliberations on this matter.

It follows from what I have said that my delegation is prepared to vote in favour of the draft resolution now before the Council. Our affirmative vote, however, should not be construed to mean that we have taken a definite stand on the previous Council resolutions enumerated in the present draft resolution. In my Government's opinion, the legal issues involved in this matter require further and thorough study, particularly in the light of the statements made by the representatives of India and Pakistan. I therefore reserve my right to revert to this matter at a later stage of the Council's discussions.

**99. Text of the Speech made by Mr. Sobolev (Union of
Soviet Socialist Republics) in the Security Council
Meeting No. 765 held on 24 January, 1957**

The Security Council is once again discussing what is called the Kashmir question. As we know, this question first came before the Security Council more than nine years ago, when it was raised in connexion with the defence of the people of Kashmir against the hostile activities of certain tribesmen from the territory of Pakistan and later against the activities of regular Pakistan troops.

Subsequently during the discussion of the Kashmir question in the Security Council the original intention had ceased to be stressed. The attention of the Security Council was, unfortunately, later focused, not on finding a solution of the Kashmir question through a direct agreement between the parties, but on the organization of a plebiscite, the supervision and interference from outside.

The Soviet Union has always maintained and still maintains an impartial and objective attitude to the Kashmir question, bearing in mind the principles of democracy and the need to strengthen friendly relations between the peoples of that area. The Kashmir question did not arise among the Kashmir people themselves. It was created nearly nine years ago, by certain Powers which are using every means in their endeavour to foment discord between countries striving for their national freedom and independence. The position of these Powers on the Kashmir issue was determined, not by any desire to settle that question in a manner corresponding to the interests of the Kashmir people themselves and of the peoples of India and Pakistan. These Powers were guided primarily by their own interests which were aimed at penetration into this region as one of great strategic importance. Such a policy is, of course, in complete contradiction to the real interests of the Kashmir people who are striving towards a peaceful and constructive existence and have no desire to be the play thing of imperialist States.

It was natural that, in an effort to put an end to the uncertainty of their position and to stabilize the political situation, the Kashmir people should, in 1951, have elected a Constituent Assembly which adopted a series of important laws including that of February 1954 confirming the union of the State of Jammu and Kashmir with India. On 17 November, 1956, the Kashmir Constituent Assembly adopted the State Constitution according to which the State would enjoy the right of self-government within the Republic of India. The Kashmir question was thus settled by the Kashmir people themselves to be an inalienable part of the Republic of India. The Security Council cannot disregard these facts.

The delegation of the Soviet Union feels compelled to observe that the draft resolution submitted by the delegations of the United Kingdom, the United States, Australia, Colombia and Cuba actually fails to take account of the real situation in Kashmir and to some extent casts doubt on the fact that the Kashmir question has already been settled in accordance with the expressed wishes of the Kashmir people themselves.

The draft resolution before us is based on the Security Council resolution of 30 March 1951. You may remember that, even then, the Soviet Union opposed the resolution on the grounds that it was from the start unacceptable to one of the parties to the dispute and could not therefore, serve as a basis for the settlement of the questions at issue between India and Pakistan. Now again an attempt is being made to re-affirm the provisions of that Council resolution, in complete disregard of the radical changes which have taken place in Kashmir since that time.

The delegation of the Soviet Union sees no particular use in adopting a further resolution to which one of the parties to the dispute is opposed. It is this consideration which is determining the Soviet Union delegation's attitude to the draft resolution before the Council.

With regard to the disagreements still existing between India and Pakistan on the Kashmir question, they should, in our view, finally be settled by peaceful negotiation between the two sides, without outside interference. The Security Council,

for its part, should facilitate the conclusion of a peaceful settlement of this question and should urge the two sides to settle outstanding disagreements through bilateral negotiations.

**100. Text of the Speech made by Mr. Jawad (Iraq)
in the Security Council Meeting No. 765 held on
24 January, 1957**

For several reasons my delegation could have liked to make on this occasion a statement on the substance of the matter, to express our position regarding the Kashmir dispute. We believe that such a statement is necessary because of the special position of Iraq in relation to India and Pakistan, two countries with whom we have close and friendly ties, past and present, ties of a historical, economic and religious character. Furthermore, Iraq is taking part for the first time in a discussion on the Kashmir question, which has been pending for the last nine years, and for this reason we thought it would be appropriate to make our opinion known to the two countries concerned and to others who have special interests in the future of Kashmir.

In view of the recent developments in connexion with the step taken by the Srinagar Constituent Assembly regarding the integration of Kashmir into India on 26 January 1957, however, we have decided to postpone our statement to a future meeting, as we feel that it is extremely essential for certain preliminary decisions to be arrived at today to reaffirm the Council's previous decisions regarding the basis and methods for deciding the future of the people of Kashmir.

We consider that the previous decisions of the Council were in conformity with the principles of the Charter. After hearing the statements of the representatives of India and Pakistan, we are inclined to believe that the issue remains basically the same as it was when it was dealt with for the last time in 1952. We find that the draft resolution submitted by the five Powers meets the immediate requirements of the present situation, as the last paragraph of that resolution keeps the question under consideration by the Council and we feel sure that this

will assist the Council to find a peaceful and lasting solution of the dispute.

My delegation therefore supports the draft resolution in question and reserves its right to speak on the substance of the problem at a later meeting.

Mr. GEORGES-PICOT (France) (*translated from French*): In view of the resolutions which have already been adopted and of what has been said both by the parties concerned and by the members of the Council, the French delegation was in the beginning doubtful whether the draft resolution that had been submitted was really essential to dispel certain apprehensions which have been expressed. After further thought, it has come to the conclusion that the draft resolution will be a useful interim measure if it gives us the time we need for careful and unhurried consideration of the serious and delicate questions that have been submitted to us.

In that spirit the French delegation will vote in favour of the draft resolution submitted by Australia, Colombia, Cuba, the United Kingdom and the United States, while reserving the right to speak again later on the substance of the question.

101. Text of the Speech made by the President Mr. Carlos P. Romulo as the Representative of the Philippines in the Security Council Meeting No. 765 held on 24 January 1957

I shall now speak as the representative of the PHILIPPINES.

My Government has approached the question now before the Security Council with the utmost sympathy towards the two nations, for which we entertain the friendliest of feelings. The Philippines is not deciding this matter in favour of one nation against another. We are not taking sides. We are not, in fact, sitting as if in judgement of a case. We have not the least desire to see the matter aggravated by an exacerbation of misgivings which can but lead to a possible breach of the peace,

We have noted at the outset of the negotiations between India and Pakistan a commendable disposition on the part of both to make things easier for them to come to terms. We have hoped sincerely, and will continue to hope, that the original spirit of mutual concession would prevail throughout the negotiations in the interests of the peace and welfare of both nations, towards which, I reiterate, the Philippines has nothing but the utmost good will. My Government believes with the United Nations representative for India and Pakistan that direct negotiations may pave the way towards the definitive solution of the nine-year-old dispute between the two countries.

This is not to belittle the achievement of Mr. Frank Graham and his predecessors, whose efforts at mediation have considerably narrowed down the area of disagreement between the parties on the question of demilitarization. As a matter of fact, the last resolution adopted by the Security Council on 23 December 1952 [S/2883] urged the parties to enter into immediate negotiations in order to agree on the remaining issue, namely the specific number of forces to remain on each side of the cease-fire line. The fifth report of Mr. Graham, dated 27 March 1953 [S/2967], would seem to imply that perhaps agreement would be forthcoming if one or the other of the parties were willing to make greater concessions than he would be entitled to ask objectively in his capacity as mediator.

Be that as it may, the representative of Pakistan reports that the attempts of his country to secure agreement through direct parleys had proved abortive. On his part, the representative of India seems to imply that a true agreement is no longer possible because of a breach of the conditions which could have put it in operation.

My Government is at a loss to accept either conclusion in the face of the claim put forward by each party that it has done, is doing, or will do, its best to achieve agreement.

Incidentally, may I say at this juncture that the distinguished representatives of India and Pakistan who addressed the council have given a good account of themselves in the

presentation of their respective sides. The Foreign Minister of Pakistan, with his sobriety and moderation, has shown himself to be an able spokesman of his country. Mr. V.K. Krishna Menon, whom I have known for many years, has once more demonstrated his keen mind, his dialectic skill and his unsurpassed argumentative power.

The joint communique issued by the Prime Ministers of India and Pakistan at the end of their meeting in Delhi on 20 August 1953 was a distinct step forward, not merely in its reiteration of the principle of the State of Jammu and Kashmir through a fair and impartial plebiscite and in the decision to have the Plebiscite Administrator appointed by the end of April 1954, but in the common determination to resolve before that date the preliminary issues that had hitherto blocked progress towards the holding of a plebiscite. That the promise of this auspicious agreement between the two Prime Ministers was not fulfilled is to be regretted. It is not for me to say which party is to blame, as I have already stated that the Philippines is not deciding this issue in favour of one nation against another. Rather it is for me to express the hope that the good will and the spirit of conciliation that brought about the agreement—and indeed that brought about previous agreements—could again be invoked.

It is worthwhile to recall that the basic resolution of the United Nations Commission of 5 January 1949 [S/1196, para. 15] merely incorporated the proposals governing the cessation of hostilities which were explored in conversations between the representatives of India and Pakistan, and later accepted by their respective Governments. Perhaps another attempt at direct conversations on the ministerial level between the two parties is in order. Or perhaps the experts committees brought into being by the joint communique of 20 August 1953, which had covered considerable ground in studying the thorny problem of demilitarization, could be reactivated.

It is gratifying to note from the statements of the representatives of India and Pakistan that their countries had not withdrawn their acceptance of the basic resolutions of the

United Nations Commission of 13 August 1948 and 5 January 1949. The representative of Pakistan affirms that his Government accepts the basic resolutions of the United Nations Commission as an international obligation. The representative of India affirms that his Government stands by its international commitments.

Under the circumstances, my Government entertains the hope that continued and persistent attempts at negotiation between India and Pakistan on the future status of the State of Jammu and Kashmir cannot but be crowned with eventual success. The recent trade agreement signed by the two countries, so aptly underscored here by the representative of India, is an encouraging sign that they could come together and agree on a satisfactory solution of common problems.

It may have been the original intention of India to seize the Security Council not of a dispute but of a situation which might, by its continuance, endanger the maintenance of peace and security. However the subsequent filing of a counter-complaint by Pakistan has converted the situation into a dispute within the meaning of the Charter. This is affirmed in the resolution of the Council of 21 April 1948 [S/726], in which it is stated "that the continuation of the dispute is likely to endanger international peace and security".

There is, however, a disturbing element that has been drawn into the picture which may wreck all prospects of peaceful negotiation or peaceful settlement of the dispute. I refer to the allegation of Pakistan that on Saturday, 26 January, the constitutional step will be taken to integrate the State of Jammu and Kashmir formally into India. The representative of India, on the other hand, states that nothing of the sort is going to happen on 26 January, and that the critical date, if there was one, was 17 November 1956 when certain provisions of the State Constitution took effect, among them, section 3, which states that "The State of Jammu and Kashmir is and shall be integral part of the Union of India". In view of these two conflicting statements, we have the draft resolution sponsored by five Powers before the Council [S/3778].

Ever since the Security Council was seized of the dispute,

it has repeatedly called upon the parties to refrain from any action which might aggravate the situation or which would likely prejudice a just and peaceful settlement of the dispute.

On the particular question of the covering of a Constituent Assembly as recommended by the All-Jammu and Kashmir National Conference, which was the subject of a previous complaint by Pakistan, the representative of India gave his solemn assurance that the constituent Assembly was not intended to prejudice the issues before the Security Council or to come in its way, and that while the Constituent Assembly might, if it so desired, express an opinion on the question of accession, it could take no decision on it.

The Security Council was explicit in its disapproval of the avowed purpose of the Constituent Assembly to determine the "future shape and affiliations of the State of Jammu and Kashmir". The Council's resolution of 30 March 1951 affirmed that any action that the Constituent Assembly might attempt to take to determine the future shape and affiliation of the entire State, or any part thereof, would violate the agreed principle that :

".. the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations." [S/2017/Rev. 1.]

Again, on 29 May 1951, at its 548th meeting, the Council approved a message to India and Pakistan which noted with satisfaction the assurances given by the representative of India and stated that it was the sense of the Council that the reports contained in the communications from Pakistan, if correct, would involve procedures in conflict with the commitments of the parties to determine the future accession of Jammu and Kashmir by a fair and impartial plebiscite conducted under the auspices of the United Nations [548th meeting, para. 89].

I am sure that it would be well to reiterate the considered view of the Security Council on the matter so that there may

be no misunderstanding as to its position. That view remains valid even if it is found that the Constituent Assembly had its origins much earlier than the request for its convocation by the General Council of the All-Jammu and Kashmir National Conference. It is for this reason that the Philippines supports and will vote in favour of the five Power draft resolution.

I do not consider a vote in favour of the draft resolution as a vote against India for the simple reason that it is merely a reiteration of previous resolutions of the Security Council. And I have the highest respect for this august body so that I would not accuse it of bias whenever it approved any resolution which a party might consider adverse to its interests.

In all earnestness I would urge the parties to respect the standing resolutions of the Council, which have not been repealed or modified and are, therefore, as valid today as when they were adopted many years ago.

Those are the views of the Philippines on this question which has been before this body for quite a time. They have been, I submit, delivered here in the hope that they will help clarify the doubts over the facts of the issue and help this Council arrive at a clear appraisal of the dispute for the sake of a permanent settlement.

We are of Asia, and Pakistan and India are close to us, not only geographically but also by long historic association which has endured through the years. We know that both India and Pakistan want peace. Our desire is to see the two Governments come to an amicable settlement of their misunderstandings, and I hope to have contributed the efforts of my Government towards that end. With mutual tolerance on the part of the principal parties in this dispute they cannot, my Government trusts, fail to achieve a solution of their problem to their mutual satisfaction and in the best interest of the people of Jammu and Kashmir.

**102. Text of the Speech made by Sir Pierson Dixon
(United Kingdom) in the Security Council
Meeting No. 768 held on 15th
February 1957**

In my previous statement to the Security Council [765th meeting, paras. 2 to 19], I confined myself very largely to one aspect of the Kashmir problem, the question of the action taken by the Constituent Assembly in Srinagar. I did, however, emphasize with what deep concern and anxiety the United Kingdom views any differences between countries in the Commonwealth with which we have such long and friendly connexions.

Before I turn to the matters of substance raised by the representatives of India and Pakistan in their statements before the Council, I should like to emphasize once more that the only concern of my Government, as I am sure it is of all of us, and it has been so throughout the long and intractable history of this case, is to achieve a peaceful and just solution acceptable to both sides. It has been encouraging, therefore, to find that in spite of acute disagreement on many important points, a considerable area of agreement is apparent from the statements we have heard from the representatives of India and Pakistan. Neither denies that a solution of the problem is urgent. Both emphasize the fundamental role of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 [S/1100, para. 75] and 5 January 1949 [S/1196, para. 15] in any solution, and in particular stressed the point that the next step must be demilitarization in Kashmir, for until this is achieved, no subsequent step is possible.

When the Security Council first considered this question in 1948, it preferred to look to the future rather than to the past; it looked forward to a settlement of the problem. With this aim before us, the Security Council set up the United Nations Commission for India and Pakistan, and the Commission examined the facts. Then, having taken all the causes of the conflict into account, it produced these two resolutions which, as both parties agree, are basic. The Commission con-

cluded that after a cease-fire had been achieved, the main obstacle to a settlement, which it believed could be reached, was the problem of demilitarization.

The representative of India has stressed the fact that a long time has gone by without any effective progress being made towards solving the Kashmir problem, but many efforts have been made. General McNaughton and Sir Owen Dixon made notable contributions. Since March 1951, with great skill and pertinacity, Mr. Graham has persisted in his endeavours. During a period of two years, he produced five reports, each narrowing the field of difference between the two parties. Mr. Graham sought agreement on twelve proposals to achieve demilitarization, and by his labours he reached agreement on all but two of them. He then was reluctantly obliged to conclude there was no room left to continue his efforts.

Direct discussions between the Prime Ministers of India and Pakistan began in June 1953, and these, together with the progress made on demilitarization by the efforts of Mr. Graham, gives grounds for hope that a solution might well be reached in accordance with the resolutions of the Security Council and of the United Nations Commission for India and Pakistan. These direct negotiations came to an end because of the difference of view between the two Prime Ministers on the effect on the situation of certain extraneous events. In these circumstances, since there seems no further prospect of progress by direct negotiations, the Government of Pakistan has felt obliged to come back to the Security Council and, in all the circumstances, my Government recognizes that it was the only course open to them.

It is now for the Security Council to attempt to find ways of making progress towards a settlement. As the Under-Secretary of State for Commonwealth Relations said in the House of Commons on 20 December 1956: "Her Majesty's Government has always hoped that this dispute would be settled by agreement between the two countries. That is still their hope." I am, of course, not overlooking the dangers inherent in the situation, dangers which Mr. Firoz Khan Noon and Mr. Krishna Menon have so vividly described. That is

indeed one of the factors the Security Council cannot overlook. But it is not an argument for doing nothing—rather the reverse.

We are fully aware of the dangers of a false step and we must and shall, in considering our action, have clearly before us the imperative necessity of averting bloodshed and strife in the sub-continent. It is with a sense of our deep responsibility that my delegation and those delegations which are associated with us have forward the draft resolution which was tabled yesterday, and which is before the Council [S/3787].

We feel justified in requesting Mr. Jarring, our President, to undertake the task proposed in the draft resolution, onerous and difficult though it undeniably must be, because of the considerable area of agreement apparent in the statements of the parties. We think for this reason that there is hope of progress towards a settlement of this dispute in accordance with United Nations resolutions.

The representative of India contended at length that the next step is simply for Pakistan to withdraw its troops. This is, of course, the case which India has argued before the Security Council fully in the past. Pakistan for its part has set out a different case. There is, I think, no need for me to refer to it in detail, for it is fully set out in Sir Mohammed Zafrullah Khan's statement of 8 February 1950 at the 464th meeting of the Security Council and also in the reports of the United Nations Commission for India and Pakistan themselves.

It was to find common ground between the two cases put forward that Mr. Graham proposed, and both sides agreed, that the demilitarization of the State of Jammu and Kashmir contemplated in the two resolutions of the Commission should be effected as a single continuous process.

What then has held up progress towards demilitarization over the years? It has been, on the one hand, the contention of the Government of India that the "Azad" Kashmir forces constitute a link with the Pakistan Army and would be a threat to the security of the State. On the other hand, it has been because the Government of Pakistan was convinced that if 21,000 Indian and State armed forces are allowed to remain

on the Indian side of the cease-fire line as against only 6,000 "Azad" Kashmir forces, the security of the "Azad" Kashmir area would be put in serious jeopardy. In fact, as it seems to us, the root cause of the breakdown on both sides has been fear : fear of the dangers which might arise from the forces of the other side.

This is precisely why, in the view of the United Kingdom delegation, the idea of a small temporary United Nations force is worth further examination with the two Governments. There would be no intention of setting aside any of the processes or procedures for demilitarization set out in the resolutions of the Commission. Indeed the intention is to enable the demilitarization procedure set out in those resolutions to be put into effect. We therefore see the proposal for such a force as a method of easing the way towards carrying out demilitarization in accordance with the United Nations Commission for India and Pakistan resolutions.

The draft resolution now before the Council takes nothing away from the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan. It recalls all the resolutions. It also takes into consideration the statements of both parties. Obviously, after the long and detailed speeches made in the Security Council, the President of the Council must, in undertaking such a mission have them very much in mind. That again, however, does not in any way detract from the force of the resolutions. Indeed, if I have understood the representatives of India and Pakistan correctly, both claim that their positions are based on the two United Nations Commission for India and Pakistan resolutions to which I have referred. Nothing which has been said has detracted, or can detract, from the force of those resolutions or those of the Security Council itself.

I need not, I am sure, emphasize the importance of making some positive step forward. The draft resolution before the Security Council is designed to help towards such a result. This, of course, requires the co-operation of both parties. I have noted the statement of the representative of India that

India would never be found wanting in the methods of exploitation of the problem [767th meeting, para. 239]. For his part, the representative of Pakistan has put forward an idea which, in its present form, is new : the proposal that a United Nations force might be temporarily introduced into Kashmir to break the long jam over demilitarization [761st meeting, para. 112]. The Council is entitled to take note of this proposal. But the Council is, of course, most anxious to do nothing that might in any way appear to detract from its previous resolutions and those of the Commission, and the draft resolution, therefore, in taking note of the proposal of Pakistan, makes it quite clear that the use of the temporary force could only be considered within the framework of resolutions in so far as it might contribute towards the achievement of demilitarization as envisaged in the resolutions of the United Nations Commission and towards the pacific settlement of the dispute.

I now pass for a moment to the request which, under the draft resolution, we are making to the President. We ask him to examine, with the Governments of India and Pakistan, proposals which, in his opinion, are likely to contribute towards the achievement of demilitarization or to the establishment of other conditions for progress towards the settlement of the dispute. The President is asked to examine them having regard to all the resolutions and, in his examination, to bear in mind the statements of the representative of India and Pakistan and the proposal for the use of a temporary United Nations force.

As regards other conditions for progress towards the settlement, perhaps I should indicate what we have in mind in including this in the draft.

First and foremost, we were deeply aware of the imperative need for a decrease in tension in the subcontinent. The first resolution which the Security Council adopted on this problem on 17 January 1948 contains the following provision :

"Calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their

peoples) calculated to improve the situation, and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation."

On many occasions since then the need for peaceful co-operation between the two countries has been stressed as essential for progress towards the settlement of the Kashmir problem. This, then, is one condition for progress which indeed should be examined—the need for a decrease in tension—and there are doubtless other matters. I think, for instance, of clarification of the position of the Plebiscite Administrator, which the President may think would repay examination with the two Governments. But all this examination is governed by the phrase "having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan". That point is fundamental.

The Council, if it should decide to adopt this draft resolution, would not be ignoring the very real difficulties which would face the Indian Government during the coming elections in India and the period during the coming elections in India and the period of the electoral campaign which is now beginning—the real difficulties which might arise if Kashmir were the subject of debate here during the next two or three weeks. We in the United Kingdom watched with admiration and respect the conduct of the first general elections held in India in 1952. We realized the immense toil and effort involved and we know that, although this time the experience gained will make the task easier, it is still, as Mr. Menon has pointed out to this Council, a truly gigantic task. We have no desire to add to the complexities and complications of this task. The draft resolution, therefore, provides for a procedure which, we trust, will enable progress to be made, but not through the medium of public debate, during the next few weeks. Yet, the need to make progress is pressing, and for that reason the draft resolution proposes a definite time limit within which the President should report to the Security Council; for the Council cannot fail to take up its task again at the earliest possible moment.

Finally, I should like to point out that the President would go to undertake this task, as I am sure he will agree, not as the representative of any country and not reflecting the views of any country; he would go with all the authority of the Council, making available to the parties his wisdom, his impartial judgement and his high-minded endeavour, as a contribution towards the solution of this problem which has so long troubled the world. We look not to a settlement of the Kashmir dispute alone; we look to a settlement of all the outstanding problems between India and Pakistan.

We in the United Kingdom, because of our close ties of history and sentiment with the two countries and our association with them within the Commonwealth, fervently desire to see progress towards a better understanding between the two countries. This desire is shared by the peoples of all our three countries. The division of the sub-continent into two fully independent States inevitably created a host of problems, many of them of the most difficult kind. It is surely proof of great statesmanship and understanding, both in India and in Pakistan, that so many of these problems were settled amicably at the time or have been settled amicably since. We in my country like to think that we made a contribution to that end, without partiality of any kind or anything but a desire to be of the greatest possible assistance. But, inevitably, some problems remain. The difficulty over Kashmir is one of the greatest of them and it does arouse very deep feelings on either side. Both sides recognize that it has to be solved in the interests of full friendship and co-operation between the two sister nations. The task of the Security Council is, therefore, onerous and responsible. The accomplishment of that task demands all its patience, all its impartial effort, all its tolerance and understanding.

103. Text of the Speech made by Mr. Lodge (United States of America) in the Security Council meeting No. 768 held on 15 February 1957.

In its resolution of 25 January 1957 [S/3779] the Security Council reminded the Governments and authorities concerned

of the principle contained in previous resolutions of the Security Council:

"...that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations."

The Security Council also reaffirmed that action by the Kashmir Constituent Assembly to determine the affiliation of the State would not constitute a disposition of it in accordance with this principle. At that time the Council did not consider what further action might be desirable from the point of view of facilitating a settlement of this dispute between India and Pakistan.

In closing my remarks to the Council on 24 January, I observed that the United States considered that :

"In the absence of a direct mutually acceptable agreement between the parties, the Council has an obligation to continue its efforts, as it has in the past, to seek and to support any fruitful suggestion in this difficult case." [765th meeting, para. 51].

At the suggestion of the United Nations Representative for India and Pakistan, Mr. Frank Graham, who, let me say, has served the United Nations with distinction and skill in more than one difficult problem in addition to having a record of distinguished service in his own country, the parties to the dispute undertook direct negotiations in 1953. These negotiations were not successful.

Thus the Council again has a positive duty to assist the parties in finding a just and equitable solution. The Security Council's overriding endeavour in connexion with Kashmir has always been to secure an amicable settlement acceptable to both parties. In doing this, it has sought to build upon the gains which have been made in the past and upon agreements which

have been reached by the parties. As the Secretary of State of State of the United States said on 5 February 1957 at a press conference :

"We continue to believe that unless the parties are able to agree upon some other solution, the solution which was recommended by the Security Council should prevail, which is that there should be a plebiscite."

We listened attentively to the forthright presentations of the representatives of India and Pakistan with this in mind. We were pleased to find that a common basis for agreement still exists upon which the Security Council can build in its efforts to assist the parties in finding a pacific solution. One basis for agreement is the continued recognition by the parties of their international obligations under the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949. Affirmations of this adherence were made by the representative of Pakistan at the 766th meeting and by the representative of India at the 767th meeting.

The representative of Pakistan stated :

"The only international obligations which the Governments of India and Pakistan have undertaken in regard to the Kashmir dispute are embodied in the two resolutions of the United Nations Commission for India and Pakistan 13 August 1948 and 5 January 1949." [766 meeting, para. 4.]

The representative of India stated :

"These are the engagements. If they were of a formal character, they might be treaties, but, at any rate, they are the engagements we have entered into—the resolutions of 13 August 1948 and 5 January 1949." [767th meeting, para. 97.]

What do these resolutions call for? The resolution of 13 August 1948 sets out in successive stages a cease-fire, a truce agreement and the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people. The resolution of January 1949 states that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite. It also specifies methods through which this plebiscite should be organized. This, then, is the first solid basis of agreement from which the Security Council can proceed.

Another important fact on which the Council can build is the realization by both parties that one of the chief barriers to the full carrying out of these resolutions is the failure to achieve demilitarization. This is the central problem involved in the truce section of the resolution of 13 August 1948 and has been recognized in the statements of both parties as a crucial problem in carrying out the resolutions. In this sense the question appears before the Council fundamentally in the same light as it did when we were previously called upon to discuss the matter.

The long and energetic efforts of Mr. Frank Graham, the United Nations Representative for India and Pakistan, removed many obstacles to the achievement of demilitarization. However, it has not been possible for him so far to achieve final agreement; nor did it prove possible for the parties, the last time they undertook negotiations, to come to final conclusions. It is, therefore, on demilitarization that the discussions of the representatives of India and Pakistan have largely turned and it is to this that the Council needs largely to address itself.

We welcome the assurances of both representatives of their continued respect for and adherence to these international engagements. We hope both parties will do their utmost to consult in good faith to implement the obligations they have assumed, and in which the Security Council has played such an important role. We recognize that the opinions of the representatives of India and Pakistan differ considerably on

many of the details of these obligations, on the reasons for the failure to achieve demilitarization and on the elements that would bring it about in an equitable fashion. However, the Security Council has previously expressed its view on many of these points.

The draft resolution which has been introduced by the Governments of Australia, Cuba, the United Kingdom and the United States(S/3787) builds upon these points of agreement. It thus lays considerable stress on the importance of achieving demilitarization. Four of the preambular paragraphs refer to this problem.

The task which we are suggesting that the Security Council assign to its President also emphasizes the efforts to achieve demilitarization. In this connexion, a proposal has already been put forward as a suggestion by which the present deadlock might be broken. This was the proposal of the representative of Pakistan at the 761st meeting, reiterated at the 766th meeting, to the following effect :

"The functions of protecting the State and ensuring internal security should be entrusted by the Council to a United Nations Force which should be introduced into the area at once." [761st meeting, para. 112.]

We have thought it desirable to note this proposal by the representative of Pakistan for the use of a temporary United Nations force in connexion with demilitarization. We have not, however, attempted to express a final judgement on this proposal but have stated the belief that the use of such a force would deserve consideration—that is all, would deserve consideration—in so far as it might contribute to the achievement of demilitarization as envisaged in the resolutions of the United Nations Commission for India and Pakistan and toward the pacific settlement of the dispute. We would hope that the President of the Security Council could explore this proposal further with the Governments of India and Pakistan with a view to examining its utility and determining the extent to which it might be employed. If the United Nations force would be of

value in assisting in the demilitarization or a basic settlement of the dispute, I am sure all of us would agree that it would deserve consideration. We have, therefore, listed a temporary United Nations force as one of the elements which need to be borne in mind in making a new attempt to achieve a settlement.

Considering the complexity of the Kashmir issue and the length of time since the Council last dealt with it, however, we have suggested that the primary action of the Security Council at this time be to request the President of the Security Council to examine with the two Governments proposals which he thinks are likely to contribute to demilitarization or to establishing other conditions for settling the dispute. This gives the President sufficient flexibility to produce positive results in bringing the parties together.

As I indicated earlier, the United States believes that we must build upon the gains which have been made before. The President, in undertaking this mission, is accordingly to do so having regard to the resolutions which have been adopted on Kashmir by the Security Council and the United Nations Commission for India and Pakistan. He is also to bear in mind the statements of the parties and specifically the proposal for a United Nations force. As the President of the Council, he will also no doubt bear in mind the statements of the members of the Council.

The resolution authorizes his travel to the sub-continent and requests him to report back as soon as possible but not later than 15 April 1957. By sending one of its highest ranking representatives, the United Nations will show its serious concern over the continued deadlock in the achievement of demilitarization and a plebiscite and provide an opportunity for full and detailed consideration of means through which progress might be made. The word "achievement" and the word "progress" are important elements of the operative paragraph inasmuch as they express the hope of the sponsors that the President will be able to report new progress when he has completed his assignment.

We are particularly fortunate to have as President of the Security Council the eminent representative of Sweden, Mr. Gunnar Jarring. We urge him to accept this great responsibility. Mr. Jarring is unusually well qualified for this assignment, having been his country's representative both to India and to Pakistan. He thus will carry with him not only his experience as President of the Security Council and representative of Sweden in the United Nations but also a first-hand knowledge of India and Pakistan and a friendship with the leaders of both countries. We appeal to the Governments of both India and Pakistan to receive him cordially and in accordance with their traditions of international co-operation. We believe that both parties, by virtue of their expressed attitude towards the United Nations Commission for India and Pakistan resolutions, should discuss with the President of the Security Council detailed proposals and plans for achieving demilitarization and the establishment of conditions for progress towards the settlement of the dispute.

Finally, the draft resolution requests the Secretary General and the United Nations Representative for India and Pakistan to render the President of the Security Council such assistance as he may request in connexion with this special assignment. The United Nations Representative for India and Pakistan has played a significant role in narrowing the differences between the two Governments on practical measures for bringing about the truce and demilitarization stages preparatory to a plebiscite. I am sure the President of the Security Council would want to draw heavily upon the reports which he has made to the Council, to obtain his advice and counsel before undertaking explorations with the parties. We hope that Mr. Graham, who has served the United Nations self-effacingly and effectively for many years in seeking a pacific settlement of this dispute, will be able to put himself at the disposal of the President of the Security Council for such assistance as he may need in the coming weeks.

To conclude, the United States believes that the present draft resolution offers the most promising and judicious course

for the Security Council to follow at this time. We hope that the other members of the Council will support it.

**104. Text of the Speech made by Mr. Walker
(Australia) in the Security Council meeting
No. 768 held on 15 February 1957.**

The Australian delegation has joined the delegations of the United States, the United Kingdom and Cuba in sponsoring the draft resolution contained in document S/3787 because we believe it presents the right decision for the Security Council to take at the present stage of our consideration of the situation in Kashmir.

We have heard important statements by the representatives of Pakistan and India, and I should like to express the appreciation of the Australian delegation to Mr. Firoz Khan Noon and Mr. Krishna Menon for the pains they have taken to present their respective cases so fully and clearly to the Council. I feel sure that from these statements, together with the earlier important reports of Sir Owen Dixon and Mr. Frank Graham, we have all gained a better understanding of the difficulties and the opposing points of view and interpretations of events that have stood in the way of a mutually acceptable settlement of this problem.

It might be possible for the Council to proceed here and now to a detailed examination of and an exchange of views upon the positions adopted by the parties in this discussion before the Council and to endeavour to pronounce some sort of judgement upon the many points of controversy. But I would not consider such a procedure to be wise at the present time, for I doubt whether it would bring us closer to a solution of the problem. On the other hand, the devoted and painstaking efforts of Mr. Graham did reduce the divergencies between the positions of the parties, even if they did not produce final agreement.

Surely after this lapse of three years, the path of wisdom is to continue to explore the possibilities of reaching agreement on practical steps forward. The recognized goal of the Council

has been to be guided by the wishes of the people of Kashmir. Without attempting at this stage to pronounce itself any further on the constitutional procedures that have been followed or challenged in the past, the Council may well continue to put its faith in the method of popular consultation by plebiscite, which, provided the necessary conditions are established to facilitate a free expression of the people's will, is of all methods, the most democratic one.

The Council has all along attached great importance to the adoption of appropriate measures of demilitarization in the State of Jammu and Kashmir as a necessary step towards the holding of a free and impartial plebiscite. It is well known that negotiations on detailed practical measures to bring about such demilitarization have not in the past been successful. This is the most immediate problem to which, in our view, the Security Council should bend its present efforts.

The draft resolution refers to the proposal of the representative of Pakistan for the use of a temporary United Nations force (761st meeting, para. 112) to facilitate agreement on effective arrangements for demilitarization. The idea is perhaps not a new one, but it gains in interest and importance from the recent experience of the United Nations in the establishment and operations of the United Nations Emergency Force in Egypt. Without drawing any parallel between the situation that led to the General Assembly's decision to establish Force and the problem of securing appropriate measures of demilitarization of Kashmir as a preliminary step towards holding a free and impartial plebiscite, it would seem to us very difficult for anybody to deny that the use of such a force, in so far as it might contribute towards demilitarization, would, in the words of the draft resolution "deserve consideration". It is the hope of the Australian delegation that this proposal will receive full and sympathetic consideration by the Council and the parties.

We recognize, however, that precipitate action by the Council at this moment might not produce the results that the Council desires. The Australian delegation appreciates the difficulty that could confront the Indian Government if it were requested to a plebiscite, including possible arrangements

for an international force, on the eve or in the midst of the forthcoming national elections, which will naturally make great calls upon the time and attention of ministers and officials. Moreover, we have heard from both parties something of the changes and developments that have taken place on both sides of the cease-fire line since the suspension of hostilities, and there can be little doubt that the Council would wish for more information regarding actual present-day conditions and the prospects of working out some agreed measures.

In these circumstances, it seems to us that the Council could be greatly assisted if its President, who has long experience and a profound knowledge of both India and Pakistan, were to undertake the mission proposed in the draft resolution.

The Council will note that it would be the task of our President under this draft resolution to examine, with the two Governments concerned, "proposals which, in his opinion, are likely to contribute to the achievement of demilitarization or to the establishment of other conditions for progress towards [a] settlement"—having regard, of course, of course, to the past resolutions of the Council, to the statements that we have heard from the parties, and to the proposal for the use of a temporary United Nations force in this connexion.

We would hope that, when the President has completed his investigations and discussions with the Governments concerned, the Council will find it possible to proceed, in an atmosphere of harmony and co-operation, with the elaboration of concrete measures that will win acceptance from all parties concerned and pave the way to a just and peaceful settlement of this painful problem.

I trust that the Council will adopt the draft resolution now before the Council, and I feel sure that the Governments of India and Pakistan will afford our respected President every possible assistance in this supremely important mission.

When I spoke in the Council earlier on this subject (765th meeting, para. 24), I referred to the close and cordial ties that Australia enjoys with both India and Pakistan, and I expressed the deep anxiety of the Australian people in regard to the

continued friction between our friends over the Kashmir question, which we have always hoped could be resolved by peaceful negotiations between the Governments of India and Pakistan. It is not necessary, I know, for me to repeat this. Our neighbours and friends in India and Pakistan will, I hope, recognize that, in putting forward this draft resolution in association with the other sponsors, we in Australia are moved solely by a spirit of the warmest goodwill toward them and by our deep concern for the interests of the people of Kashmir.

Mr. URRUTIA (Colombia) : First of all, I would like to say that I thoroughly approve of the idea of having only simultaneous interpretation today. I realize, of course, that today's step is only being adopted as an exceptional measure, for otherwise the Council would have been faced with the prospect of having two statements in Spanish which, with the two consecutive interpretations to follow, would have tripled the time the Council would have had to spend in listening to them. It is because of that problem, in fact, that I have occasionally taken the liberty in the past of speaking in one of the two working languages so as to save the Council a threefold loss of time in hearing what I have to say. Unfortunately, the press in the Spanish speaking countries - possibly in ignorance of the Council's rules of procedure - has been highly offended at my not speaking in Spanish : in ignorance of the rules of procedure, I repeat, for it should really have been offended at my failure to speak in Basque. As Mr. de Lequerica explained so convincingly in the General Assembly Basque is one of the most ancient of languages - for Basque is a language, not a dialect - and it happens to be the one spoken by Mr. de Lequerica's forbears and my own.

[Mr. Urrutia then spoke a few words in Basque]

The translation of what I have just said - I am afraid I must give it myself - is that I am sorry I am not able to address the Council in Basque. Today, in any case, we shall only have simultaneous interpretation ; however, I reserve my right in the future to abstain from Spanish and to speak in French or English in order to save the Council's time, and also to

speak Basque on occasion so as to ensure that language is not denied the rights admittedly accorded under rule 44 of the rules of procedure.

It is an excellent idea to ask the President of the Security Council to undertake in concert with the Governments of India and Pakistan to study proposals that might help to solve the problem of Kashmir, and my delegation wholeheartedly supports it ; but I would like to refer briefly to the difficulties we encountered in the past so as to avoid their recurrence in the future.

When the Security Council appointed the Commission which went to India and Kashmir in 1948, it committed without design the same error we are about to commit with the present draft resolution : the Commission's sole terms of reference being to negotiate within the framework of the resolution of 21 April 1948 [S/726] which one of the parties—India, in this case had denounced before the Commission left New York. Thus on its arrival in India the Commission found itself in the following rather absurd position : it was acting in accordance with Chapter VI of the Charter, in other words, it was engaged in conciliation procedure, and was required, in doing so, to keep strictly to a resolution that had already been denounced by one of the parties. Despite this completely illogical situation, the Commission scored an unexpected success by getting the Indian Government to agree, subject to certain conditions, that the question of Kashmir's future should be submitted to decision by its inhabitants by means of a plebiscite. This agreement was not reached through the 1948 resolution, however, but through direct negotiations which were not provided for in the resolution and which I think ought to be stressed, since I consider the debate of the past few days to have revealed a rather grave misunderstanding on the question.

I would like to point out, in the first place, that the situation which the Commission found on its arrival in Pakistan was this : Pakistan had rejected any solution that did not involve explicit provisions concerning the plebiscite. India, for its part, refused even to consider the idea of a plebiscite until hostilities ceased and the Pakistani forces were withdrawn.

The Commission managed to bring about agreement on the cease-fire and the truce as a bridge between those two positions. What was arrived at, therefore, was a compromise solution whereby it was possible to elicit an offer from India to submit the final disposition of Kashmir to a plebiscite. Two points have to be made clear, however: first, the Commission accepted the sovereignty of the State of Jammu and Kashmir as a fact and avoided entering into a discussion of the legality or illegality of the act of accession, which meant that it recognized the *de facto* sovereignty of India. Secondly, the Commission never recognized the legality of the presence of Pakistani troops in Kashmir. These points must be stressed in order to appreciate why the Commission ordered the complete withdrawal of the Pakistani forces but only requested India to withdraw part of its forces, while permitting it—and even giving it special rights—to maintain internal order and take charge of external defence. For the same reasons the Commission, when the idea of a plebiscite was discussed, was the first, to recognize that Pakistan had no right to take part in drawing up the rules and regulations for the plebiscite, except in an advisory capacity, whereas India was recognized as having the right to be consulted. It was also agreed in principle that the Pakistani forces would be withdrawn, completely and definitively, whereas the withdrawal of the Indian forces was subject to consultations with the Commission.

Once this legal position had been made clear, and solely because the Commission had been able to clear it up and had recognized India's *de facto* sovereignty over Jammu and Kashmir, it was able to obtain India's agreement to a further point: that India would agree—even if it were proved or disproved that Kashmir belonged legally to India—that a plebiscite would be held provided certain conditions had been met, and that if the plebiscite showed that the people of Kashmir wished to leave India and enter and form part of Pakistan, India would bow to that decision.

But then as we see, there is a complete difference between what was said and what was agreed upon. The Chairman of the Commission, during these discussions, was the representative

of Colombia, and therefore I felt it was my duty to examine the records. And of course I found, first of all, that when the Commission, was asked whether it wanted to enter into a discussion on the legality of India's sovereignty over Kashmir, the Commission said it would prefer not to do so; second, that when Mr. Nehru asked Mr. Lozano whether the offer to hold a plebiscite would, in the Commission's view, entail an unconditional commitment if the first and second parts of the resolution of 13 August 1948 were not carried out, Mr. Lozano replied very definitely, "No". It is very clear that there would be no commitment on India's part until after the first and second parts of the August resolution have been complied with.

Thus what really took place was a negotiation. On 13 August 1948 the Commission adopted a resolution: that resolution was then a foundation, a declaration of principles, to which the agreement of both parties was then sought. India accepted the resolution in a letter dated 20 December 1948 which the Prime Minister of India sent to Mr. Korbel [S/1100, para. 78], and later in a communication dated 23 December 1948 addressed to Mr. Lozano [S/1196, annex 4], which made it very clear that the Commission's August resolution was being accepted, but on condition that the first and second parts would have to be complied with before the plebiscite could be held.

From statements made in the past few days by the Prime Minister of India, I have the impression that he misinterpreted the Security Council's resolution of 24 January 1957 [S/3779]. In India that resolution was interpreted as one that changed the terms of the agreement reached by that Commission in 1948. That is not my interpretation. What we said on 24 January was that we had to reaffirm the general principle that Kashmir's fate must be settled by means of a plebiscite, but naturally within the conditions stipulated in 1948, which meant that the first and second parts of the resolution had to be complied with first. At no time have we said that we wished to change those bases: they still stand. What the Security Council discussed on 24 January was something different, namely, whether as a result of the incorporation of the

State of Kashmir by India those bases would be changed ; and we decided that it would not. Why ? Because the Commission never discussed the question of sovereignty ; we in the Security Council never discussed the legal problem. We are not asking India to tell us that it is prepared to submit the legal problem of sovereignty to the Council for decision or to a plebiscite ; what we are asking India is that, in accordance with the offer it made to us in 1948—even if Kashmir is legally a part of India—it should agree to a plebiscite, and that if the majority of the people of Kashmir wish to cease being Indian and become part of Pakistan, India should agree. This is apparent from the letters of 20 August and 23 December 1948, which were confirmed by the Commission's January 1969 resolution.

In my opinion, the success of the Commission's work lay in the fact that it obtained an explicit offer from India in this direction. I think it is a very serious matter to make step backwards, because the Commission's success was precisely due to the fact that it decided to avoid the legal aspect of the right of sovereignty and instead, I repeat, to obtain India's offer to renounce any future right of sovereignty over Kashmir if the people should request this in the plebiscite.

Now let us see what steps the Commission took to obtain this offer so as not to obscure what we have achieved. In the first place, in order to obtain this offer, the Commission had to enter into negotiations that lasted over half a year. The resolution was approved by the Commission in August, but it was not until December that India's acceptance was obtained and then it was a conditional acceptance. The acceptance is very clear. It says: first there has to be a cease-fire, then a truce, and when those two stages have been completed, the plebiscite will be held. There was more: the Commission had succeeded in obtaining agreement that once the truce agreement had been signed, and during that truce, a new agreement should be reached in order to synchronize—I use that word because there was a great deal of discussion about it and it was finally adopted—the withdrawal of forces and enable the plebiscite to be held.

Unfortunately, the atmosphere of confidence that had been achieved was lost owing to a series of errors and incidents which it is advisable to recall so that they will not recur.

The first was the appointment of the Plebiscite Administrator. As it is now nine years ago, I think it is worth-while to explain what happened. In the Commission the Colombian delegation urged that the Plebiscite Administrator should be a neutral, that being the only way to induce India to abide by the offer which had been obtained with such difficulty. Unfortunately, other delegations had explicit instructions to urge that the Plebiscite Administrator should be a United States citizen. My delegation suggested, in private conversations also, that we should accept the Indian Government's suggestion that the President of the International Red Cross should be appointed Plebiscite Administrator. If at that time, we had accepted the Plebiscite Administrator proposed by India, the President of the International Red Cross, the plebiscite would already have been held. Instead of that, Admiral Nimitz waited nine years in New York for an opportunity to organize the plebiscite. But these errors are delicate matters, because an apparent diplomatic victory, obtained at a certain time, served propaganda purposes, but in reality undid all the work the Commission had accomplished.

In view of that situation, the members of the Commission and particularly the representative of my country, realized that their mission had been completed, for as the Chairman of the Commission summed it up in a statement that I consider excellent :

"The Security Council's resolutions are static, but the situation is dynamic." The Commission had provided for an arrangement, system or procedure that was to be carried out in six weeks or three months at the most. Advantage should have been taken of the favourable atmosphere of the climate that had been brought about in India ; Mr. Nehru's acceptance, and the confidence with which the Commission had inspired him to accomplish all this in three months. But instead, we began to be asked

for clarifications, which bogged us down for a year and a half. Then, of course, the Commission had nothing further to do.

The dissolution of the Commission was requested, and its functions were temporarily assumed by the President of the Council, General Mc Naughton (Canada). In the meantime, Admiral Nimitz, of course, was still in New York. General Mc Naughton did not find any solution, and then the first mediator was appointed, Sir Owen Dixon (Australia). After a four-week visit, he gave up his mission, and then Mr. Graham was appointed; as you know, he has travelled to India more than twelve times and has submitted a number of reports with which all of us in the Security Council are familiar.

In deciding to ask our President to make a new effort at mediation, I think I should point out that the essence of Mr. Graham's final efforts was to try to reach an agreement on demilitarization in one stage only: a truce with some of the provisions of the resolution of 5 January 1949. That might be the solution, but in any case it is different from that agreed upon in 1948 by the Commission and Mr. Nehru. There was even a moment when Mr. Graham obtained agreement. You will remember that at one time he proposed that the forces of India should be limited to 18,000 men and those of Pakistan to 6,000. India insisted on 21,000, and because Pakistan would not agree to the additional 3,000 men at that time, Mr. Graham's effort came to naught and, once again, we took a step backwards.

In the light of these observations, I feel that we should not tie the hands of the President of the Council, because if we do so, we shall encounter all the difficulties that the Commission encountered in 1948 and those that later caused the failure of the efforts of General Mc Naughton and Mr. Graham.

The operative part of the draft resolution submitted by Australia, Cuba, the United Kingdom and the United States is excellent. But on the other hand, I would object to the preamble. Strictly speaking, there is also a point in the operative part that I think should be changed, namely: should we set a

time-limit for the President of the Council. General Mc Naughton's visit lasted four weeks and nothing was accomplished. I believe it would be very difficult for the President of the Council to achieve anything in four or five weeks. Let us give him latitude, because we must bear this in mind : later it will be practically impossible for us in the Council to achieve in New York what the President cannot effect on his visit. Thus let us give him all the necessary time and latitude. Whatever he may accomplish, it will be the only concrete step we can depend on in the forthcoming discussions.

Now, with respect to the preamble, I find that there is one part that is somewhere illogical. We cannot recall resolutions and introduce new elements. Either we should adhere to previous resolutions or we should introduce new elements. But to recall resolutions and to introduce new elements is to weaken our position, because the only concrete thing we have, the only international instrument or commitment we have, is India's offer to agree to a plebiscite if the first and second parts of the 1948 resolution are fulfilled, subject to the conditions laid down. If we depart from that, we should have to re-examine the whole situation. These new elements may be excellent, they may be the formula, just as the formula suggested by Mr. Graham might very well have been an excellent one. But while we are within the framework of Chapter VI, we must not forget that we are acting as mediators and that the parties must agree to the suggestions.

This is only human and obvious : everyone knows that if a person is to act as mediator, the worst thing he can do is to say, before beginning the mediation : "This is my solution." No, if one is acting as a mediator, one should simply come with the foundations that have already been laid, which in my opinion are the agreements contained in the letters of 20 August and 23 December 1948. From then on we should study whatever solutions or suggestions are put forward by either Government.

The idea of United Nations troops seems to be an excellent one, but only if and when India accepts it first. As is well known, we cannot impose the presence of such troops.

There are other cases in which this problem has arisen. We must first obtain the consent of the parties concerned to the presence of the troops.

Here again, as in discussions previously, we find ourselves in a difficult situation, at all events in so far as my country is concerned; for example, we have not wanted to accept the idea that the mere fact that it is desired to hold a plebiscite in a country necessarily obliges that country to hold the plebiscite and to discuss sovereignty. The Greeks wanted a plebiscite to be held in Cyprus, but we refused. Some Arab countries wanted to apply in the same way the principle of self-determination in North Africa, but we did not agree. I believe the Australian representative will also agree with me that in New Guinea the principle was upheld in a different way. Thus it is rather difficult for delegations, like mine, that are attending all the debates to advocate one argument in the Security Council, and then go to the First Committee of the General Assembly and support a different argument, and to support another, even more delicate, in a further debate. Our way of thinking must be consistent. Just as we asked the representative of India, if he accepts the idea of self-determination as he has done in many debates apart from those on Kashmir, to reaffirm the offer made by the Prime Minister of India to submit the sovereignty of Kashmir to a plebiscite and also, if Kashmir belongs to India today, to agree to transfer that sovereignty if the people should so decide, so therefore, it seems to me, that we also must be logical, and that we cannot put down at once in a resolution a series of new elements on the presence of United Nations troops without the countries having requested them, because tomorrow the same request will be made in connexion with Cyprus, New Guinea and all the other problems that lie before us.

Thus the idea is excellent, but only if and when the President of the Council obtains the consent of the parties in advance, because according to Chapter VI, nothing can be done unless the parties agree beforehand.

It is obvious that the President of the Council has listened to the statements by the representatives of Pakistan and India, and that he is well aware of the proposals that have been made and the suggestions that have been put forward here. Thus he can go to India, Kashmir and Pakistan to investigate and then return and report to us. But I do not think there is any reason to weight down the President of the Council with a series of new elements that were not in the 1948 proposal.

We voted for the resolution of 24 January 1957 [S/3779] precisely because we felt that India had to fulfil the commitments it undertook on 20 August and 23 December 1948. But for that very reason we could in no circumstances introduce new elements and say to India: "You must carry out your promise not under the conditions agreed upon, but under new conditions." That we could not ask.

Having made these remarks, I should like to ask the sponsors of the draft resolution whether it would not be preferable to leave the first paragraph as the entire preamble, to delete all the other paragraphs of the preamble and then continue with the operative part, which is excellent. If the sponsors do not wish to do this, I shall not submit an amendment, nor shall I cast a negative vote; I merely wish to make these remarks because I greatly fear that if we adopt the draft resolution in its present form, when the President of the Security Council returns on 15 April, we shall find ourselves in exactly the same position that we are in today.

**105. Text of the Speech made by Mr. Nunez-Portuondo
(Cuba) in the Security Council Meeting No. 768
held on 15 February 1957**

As far as the Cuban delegation is concerned, the fundamental element of this problem is that the sovereignty of Kashmir rests exclusively with the people of Kashmir. We are dealing with an ancient State, a State, as the representative of India told us, whose history goes back a thousand years, whose people, in our opinion, have the right to decide whether it

should be incorporated with Pakistan or whether it should continue to be incorporated with India.

We cannot accept the standard that it is the sovereign power which should decide alone, by its will contrary to the wishes of the people, whether Kashmir should accede to India or Pakistan. This is the fundamental rule that we have established. In our opinion, this has also been the criterion adopted by the Indian Government in other cases. When the Nabob of Junagadh decided by a resolution of his own to accede to Pakistan and did so, the Government of India declared that was illegal because it violated the principle of the people's self-determination. And when the Nizam of Hyderabad also wanted to remain neutral, that is, not accede to either India or Pakistan, the Government of India similarly declared that the Nizam could not do so because he was violating the freely expressed will of the people of Hyderabad. These are recorded facts which in the opinion of the Cuban delegation, have been proven through documents, and we have no doubt whatsoever that the same principle should be applied to the case of Kashmir as a general basis for judging these problems.

We have listened with great attention to the statements made by the Minister for Foreign Affairs of Pakistan and the representative of India. They were lengthy, documented statements with quotations from many sources in which different positions were, of course, taken ; but from those statements we have been able to deduce the following declarations by the representative of India which, in our opinion, are encouraging. First, India does not have the slightest intention of failing to fulfil an international commitment. Second, the plebiscite can only be held when the first two stages have been carried out : (a) a cease-fire and (b) a truce and the withdrawal of Pakistan troops and later the withdrawal of Indian troops. Then the representative of India also told us that the truce is more essential than the plebiscite. A plebiscite cannot be held unless part II of the agreement has been complied with.

In the opinion of the Cuban delegation, this proves that the position of the delegation of India is that the offer made previously by the Prime Minister, Mr. Nehru, will be carried out, namely that the people of Kashmir will decide upon their own future. That in short, is the same thesis that the representative of India brilliantly expressed on 12 February in the First Committee of the General Assembly when he vigorously and enthusiastically contended that Algeria also has a right to determine its own future. In other words, it would be unjustifiable, in the Cuban delegation's view—and I say this with all due respect to the representative of India—that the Algerian people should have the right to exercise freely the principle of self-determination and that the Kashmiri people should not. This is all the more true since in the case of the people of Kashmir there has been no discussion, as in the case of Algeria, whether it was in effect an integral part of another State, because both parties have recognized that Kashmir has existed as a State for ten centuries, though for many years under the rule of the United Kingdom.

From all the statements that have been made here, the fundamental argument of the representative of India, his most important legal argument, is the following: conditions have changed from those existing when the plebiscite was agreed upon. That is to say, the Indian representative and his Government seem to contend that the plebiscite was agreed to when certain conditions existed and that since those conditions have changed, the Government of India in some way does not feel bound to carry out the offer to hold a plebiscite.

This doctrine in civil law is well known to those of us who have practised at the Bar for many years. If judgement is given for the distribution of riverine waters between adjacent meadows, and the river dries up, the judgement of course cannot be enforced. Where the right of property in an island or barren islet is adjusted, and the court decides that it should be delivered to the party that won the case, and the island or islet owing to a natural phenomenon disappears, then again the judgement cannot be carried out. There are many such examples in civil law. But in legal doctrine the following

conditions must be present : first, the situation must not have changed on account of any acts by the defendant ; second, as a result of the acts or phenomena which take place, it must be physically impossible to carry out the judgement, that is, the situation must have changed in such a way that the judgement of the court—I am referring to private law—cannot be enforced.

In our opinion this situation does not apply here for the following reasons : the resolutions of the Council exist ; Kashmir exists ; the people of Kashmir exist ; the principle of self-determination exists in the Charter of the United Nations ; but above all, Mr. Nehru's statements exist—most laudable ones, we believe—made a few years ago and also very recently, two weeks ago, in which he reaffirmed the Indian Government's offer to accept the plebiscite as a means of deciding to whom Kashmir should finally belong, Pakistan or India.

Therefore, since all these antecedents exist, the Cuban delegation feels that the wise, proper and timely thing to do is to treat the situation so that the plebiscite may be held. That is the aim of the draft resolution before the Council. But of course, if India had stated categorically : "We do not accept a plebiscite in any form ; we declare our previous solemn offer to hold a plebiscite to be null and void", then the Security Council would be faced with a different situation and would have to solve it in a different way. But that is not the case. We are faced by a previous offer, reaffirmed in a public statement two weeks ago by the Prime Minister of India, who said that India accepts the plebiscite, although it lays down certain conditions.

The Cuban delegation therefore believes that this draft resolution would lead to the holding of a plebiscite. In view of the present state of the affair, the consent thereto of the Government of India is naturally required. In our view, however, this can be discounted in so far as the holding of a plebiscite is concerned because, I repeat, the Government of India made the offer several years ago, and it was reaffirmed

by the Prime Minister of India in a statement two weeks ago.

According to a United Press telegram, Mr. Nehru publicly stated on 6 February 1957 "that India was prepared to hold a plebiscite in Kashmir if Pakistan withdrew its troops and permitted the Government of Kashmir, supported by the Government of India, to assume control of the whole State ..".

But in 1947 the Prime Minister of India sent a telegram in which he stated :

"We have declared that the fate of Kashmir must definitively be decided by its people. We have promised this. The Maharaja has confirmed this promise not only to the people of Kashmir but to the whole world. We do not want to retract our statement and we cannot do so."

In 1947 Nehru said : "We do not want to retract our statement and we cannot do so." Therefore, for us—in accordance with the statement by the Prime Minister of India, whom we very much respect, in which he said regarding the Kashmir plebiscite : "We do not want to retract our statement and we cannot do so"—the problem of the plebiscite is something that has been definitively settled and agreed upon by the parties. All that has to be done is to bring about conditions in which the plebiscite can be held.

From the Indian representative's statement here, and also from the statements I have quoted, it seems clear that India has at no time tried to retract its promise to hold the plebiscite, since it laid down conditions under which parts I and II must be complied with before part III can be carried out ; and there would be no reason to speak of the fulfilment of conditions for a plebiscite if no plebiscite were to be held. This, in our opinion, is crystal clear. We therefore believe that the draft resolution we have submitted is an attempt, by entrusting the President of the Council with this task, to bring

about the conditions which will allow the holding of a plebiscite.

The Cuban delegation hopes that the parties will contribute to this end, because there can be no doubt about the following : the immense quantity of documents and statements which we have studied with great care, to the best of our ability, shows that the Security Council, Pakistan and India have been in agreement on one principle : that the people of Kashmir should determine their own future. And since this in our view is the very essence of the matter, we must all do everything in our power to permit the people of Kashmir to determine their own future.

**106. Text of the Speech made by Mr. Romulo
(Philippines) in the Security Council Meeting
No. 768 held on 15 February 1957**

Before proceeding to the main point of this intervention, I feel bound to take note of a report in which it was made to appear that this Council treated the subject of the last resolution adopted by the Council [S/3779] in a casual manner and that the resolution in question was filed even before the representative of India had finished his presentation of the case for his Government.

I feel it my duty, as President of this Council at that time, to state here and now that there was absolutely nothing casual in the manner in which the Council proceeded in connexion with the draft resolution before it. In the afternoon of 23 January 1957, the representative of India announced [163rd meeting, para. 79] that he had decided to change the order of his presentation of his Government's case in order to give, that same afternoon, his Government's views on the action of the Constituent Assembly of the State of Jammu and Kashmir. As we recall it, he was obliged to make that change in order to accommodate those members of this Council who were very much concerned about the implications of the reported action of the Constituent Assembly. The draft resolution was submitted only after the representative of India had finished his

presentation of his Government's case on that particular subject. On the following day the Council thoroughly debated the issue and forthwith adopted the resolution [765th meeting]. But this was after every member of the Council had expressed the views of his delegation with deliberation, and a perusal of the statements made that morning will show the care and the thorough study which each of them gave to this delicate and difficult problem.

Before leaving this subject I am also bound to dispel the misconception that considerations stemming from certain military groups and alliances had any influence on the decision taken by the member Governments as reflected in the vote of 10 in favour of the resolution, none against, and 1 abstention.

Although the representative of India has dealt with the question of aggression anew, I do not think that the Council is called upon to make any finding as to whether there has been aggression and by whom it was committed. It should be recalled that the charge and counter-charge of aggression ceased to be relevant the moment both sides agreed to the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949.

The first aide-memoire of the meeting between representatives of the Commission and the Prime Minister of India of 20 December 1948 quoted the Prime Minister of India as saying that his Government had accepted the Commission's resolution of 13 August "in spite of the presence of Pakistani troops in Jammu and Kashmir and the offensive action of Pakistani troops" [S/1196, annex 4, aide-memoire 1, para. 2]. The Commission, therefore, must have taken this into account when it addressed itself to the correction of the situation as reported to it by both parties.

In his last intervention, the representative of India stated that India has not asked for anybody to be branded an aggressor [767th meeting, para. 235]. For this reason I see no point in taking up the matter further. Clearly, what each side has the right to insist on is that the situation in Jammu and Kashmir be remedied, that is, according to the terms of the

resolutions of the United Nations Commission. But this is precisely the crux of the matter, because both parties have failed to agree on what constitutes a proper implementation of those resolutions.

In the course of his impressive and scholarly argument on the reasons why there has been no progress in the settlement of the India-Pakistan question, the able and worthy representative of India dwelt at length on the changes in the situation which have occurred since the Security Council was first seized of the question nine years ago. The Council heard an exposition on the doctrine of *rebus sic stantibus*. Examples were cited of plebiscites that had been decreed by the defunct League of Nations and which were not carried out after a lapse of many years. Then it was recalled that the United Nations Commission for India and Pakistan had stated: "The situation in the State of Jammu and Kashmir has changed; the resolutions remain unchanged." Finally, the Council was admonished that it should not be like Rip Van Winkle and ignore the nine years that have passed. The obvious conclusion which can be drawn from the argument is that it would be realistic if the applicable resolutions were changed in order to meet the changed situation.

If we examine the various resolutions that have been approved by the Security Council on this question, including the resolutions of the United Nations Commission which have been endorsed by the Council, we find one vital principle which underlies the solution recommended and that is that the wishes of the people of the State of Jammu and Kashmir should be ascertained. The principle involved is that of self-determination. It is a time-honoured principle which is enshrined in the Charter of the United Nations. But the Charter did not create it; the Charter merely recognized a principle affirmed and reaffirmed countless times since the American and the French Revolutions. We can go even further back in history to trace the origins of this principle but suffice it for me to say that the principle is as valid today for the United Nations as when the founding fathers first incorporated it into the Charter twelve years

ago and it will certainly remain valid for a long, long time to come.

Certainly the principle of self-determination has its limitations. In the particular case before us, I incline to the view that the partition of British India between the Dominions of India and Pakistan did not give independence to the Princely States but merely gave them the option to accede either to India or to Pakistan. As far as the Security Council is concerned, it took the view—reiterated time and again in resolution after resolution—that the principle of self-determination properly applied to the situation in Jammu and Kashmir merely meant the right of people to be consulted as to whether they decided to accede to India or to Pakistan.

The will of the people of Jammu and Kashmir, according to the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949, which have been accepted by both India and Pakistan, is to be ascertained by the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. The other provisions of the resolutions mentioned are clearly subordinated to that end. The provisions relating to the cease-fire and the truce arrangements are aimed simply at the creation of conditions to enable the free and orderly attainment of the prime objective. Whatever changes may have occurred in the situation since the resolutions of the Security Council were passed, it is submitted that the principle underlying those resolutions cannot be changed because it is unchangeable. If the resolutions have to be modified in the light of changed circumstances, it is submitted that the modification may consist in the alteration of the procedures but not of the principle or objective sought to be realized, namely, the free and untrammelled expression of the will of the people by means of a plebiscite conducted by the United Nations. This was what was meant by the United Nations Commission for India and Pakistan when it stated that the situation had changed but the resolutions remained unchanged. The Commission found that the resolutions were no longer adequate to solved the changed situation, not because there was anything wrong with the principle

underlying those resolutions but because "Governments were strict in adhering to the letter of those clauses which met their position".

Sir Owen Dixon, the first United Nations Representative, saw that the difficulty that had to be surmounted in bringing about conditions in which preparations for taking a plebiscite might go forward was the inability of India and Pakistan to agree on those conditions. He deplored the fact that the implementation of the resolutions was made dependent on the agreement of the parties but in the end he had to conclude that: "It is perhaps best that the initiative should now pass back to the parties" [S/1791, para. 104].

Mr. Frank P. Graham, the incumbent United Nations Representative who, in our opinion, has done an excellent job, did not succeed in getting the parties to agree on the remaining issue of demilitarization and, like Sir Owen Dixon, had to fall back on the hope that the leadership of over 400 million people with the goodwill and assistance of the United Nations, may "join in negotiating and reporting an agreement" [S/2967, para. 57].

My Government cannot but reiterate the hope that, given the continued tolerance and goodwill which have not been wanting in the relations between the Governments of India and Pakistan, they may finally agree not only in their own interests but in the interests of the people of Jammu and Kashmir. Each party contends that if a free and impartial plebiscite is held, it will certainly go in its favour, which is all the more reason why the parties should demonstrate their determination to agree on the antecedent conditions which would make possible the holding of such a plebiscite.

It is undeniable that the longer the present situation is allowed to continue, the greater is the danger of its further deterioration. Certainly it would favour the side which holds under its control the greater portion of the territory and population of the disputed State. It is to be assumed that each party would use all legitimate means to convert to its side the population under its control which must be amenable to its rule. In the circumstances, each party would have a better

chance of succeeding in this endeavour the longer it is allowed to exercise its powers of persuasion to the exclusion of the other. The danger, indeed, is that certain conditions may be created on each side of the cease-fire line as to render difficult a change from the *status quo*.

The proposal by the representative of Pakistan for the introduction of a United Nations force [761st meeting, para. 112] to exercise police functions in the areas to be vacated by the armed forces on either side of the cease-fire line is a proposal that merits consideration. It is not a novel idea, for in another setting the General Assembly has approved the introduction of a United Nations police force into areas vacated by belligerent armies in order to promote conditions which might lead to progress in securing a peaceful settlement of a particularly difficult and complex problem.

I will permit myself now to turn to the draft resolution tabled by the delegations of Australia, Cuba, the United States and the United Kingdom [S/3787]. I can say for my Government that we will find no difficulty in going along with the proponents of the plan envisaged in the draft resolution. And I venture to add that should the Council adopt the plan, as I have reason to believe it will, it would go a long way towards a final settlement of the present dispute.

I wish first of all to commend the idea of sending to the sub-continent of India the President of the Security Council for a first-hand investigation of the conditions there as they relate to the dispute. In our opinion, such a distinguished personality as the President of the Security Council cannot fail in his mission to appreciate the arguments of the disputants in this issue in the light of the facts as they actually exist and as he will actually find them. Mr. Jarring is a diplomat of vast experience. We know for one thing that he is familiar with the Indian sub-continent as a result of his diplomatic assignments there. He should, for this reason, be in a position to meet the principal parties on the spot, weigh their views in the light of the actual circumstances in the State of Jammu and

Kashmir and bring us abundant evidence upon which further to proceed in our deliberations.

The draft resolution before us meets all the requirements of the situation and, without departing from the sound and practical course therefore followed by this organ of the United Nations, opens the way realistically to a settlement which, if the parties are minded to co-exist in peace, should be final and conclusive.

The proposal does not deviate from the course we have followed. It recognizes the absolute necessity of demilitarizing the disputed region as a condition precedent to any genuine plebiscite. None of us here will dispute the proposition that no plebiscite is possible in a setting of warlike appearances. The first and most important condition to a free election is that the people should be able to go to the polls without fear in their hearts. Any sign of coercion would make the true expression of the people's will impossible. Those of us who have been used to the democratic way of life will readily admit that any plebiscite worth its name must be conducted under conditions of absolute peace if it is to be regarded as valid and conclusive.

We can assume that one of the principal concerns of our President when he goes to the sub-continent is that the ground is properly laid for the untrammelled exercise of popular suffrage when the plan of a plebiscite, which is the Security Council's decision, is actually carried out.

Finally, the reference in the draft resolution to the proposal made by the representative of Pakistan that a United Nations Force be assigned to Jammu and Kashmir as a temporary means toward the achievement of demilitarization is in line with my Government's views that the idea merits full consideration.

My delegation, therefore, will vote in favour of the draft resolution.

**107. Text of the Speech made by Mr. Tsiang
(China) in the Security Council Meeting
No. 768 held on 15 February 1957**

I limit my remarks to an appreciation and study of the joint draft resolution that is before the Council.

It reaffirms the resolution of 24 January 1957 [S/3779] and the previous resolutions of the Security Council and the resolutions of the United Nations Commission for India and Pakistan. Therefore, what this draft resolution tries to do is to further the implementation of the resolutions which the Council or the Commission has already adopted. The co-sponsors have told us and the language of the draft resolution states that all those resolutions stand.

In order to promote the implementation of the existing resolutions and a final peaceful settlement of the problem, this draft resolution suggests two steps to us. It requests the President of the Security Council to undertake a mission to India and Pakistan. I find this suggestion to be a very happy and creative one. The President of the Security Council occupies a position of great importance in the United Nations. The mere fact that this Council requests its President to undertake this mission shows the peoples of India and Pakistan that the Security Council attributes the greatest importance to the solution of the problem. We cannot express our concern and interest in a peaceful solution of this problem in any better way than the suggestion that the President himself should take charge of this question for the time being. Therefore, that feature has the whole-hearted support of my delegation.

I was very happy to learn, in addition, in the course of this morning's meeting, that the President has had practical experience both in India and in Pakistan, so he knows the conditions in those countries of the world. His personal experience is an additional qualification for this task.

The draft resolution suggests consideration of the proposal of Pakistan that the United Nations force should be used temporarily. As I see the situation, this suggestion may cause

considerable complication. Therefore, I would like to explain how I feel towards this matter.

If we study the records of the Security Council and of the Commission, we find that this problem of demilitarization has played a very, very important part in all our thoughts on this subject. Why should the Security Council and the Commission pay so much attention to this problem of demilitarization of Kashmir? In the first place, it is realized that an army stationed in that State might coerce or intimidate the people to vote in favour either of India or of Pakistan. When we ask for a plebiscite we naturally want, and mean to want, a fair and free plebiscite. Even if we have pledges and guaranties that the military forces retained in the State will be instructed to stand aside and not interfere in the voting, nevertheless the suspicion of military interference in the voting would be fatal to the final results. It is for that reason that the Council and the Commission have always attributed great importance to this problem of demilitarization.

I have explained the necessity for demilitarization, and I might ask what is the objection to it. The objection is based on the necessity for maintaining peace and order in the State before and during the plebiscite. So we have to devise a scheme to take care of these two requirements: first, the peace and security of the State during the plebiscite; and, second, that the force that maintains peace and security should not coerce or intimidate or give the appearance of intimidating the voters. These are the two requirements that we must always keep in mind in solving this problem of demilitarization.

I do not know of a better way of meeting those two requirements simultaneously. With the temporary use of a United Nations force in Kashmir, we can contribute to the maintenance of peace and security in that State during the plebiscite. In the second place, the stationing of a temporary United Nations force in Kashmir cannot be suspected by anybody of intimidating or coercing the voters to vote in favour of either of the two parties. Therefore, I find that this idea of a temporary United Nations force really deserves consideration.

We are considering this problem now under Chapter VI of the Charter. We have not come to the stage of imposing any solution on either party. Therefore, this draft resolution rightly asks the two parties only to give this proposal their consideration and asks the President to bring this proposal to the parties concerned and ask for their consideration. I cannot see that the feature weakens this draft resolution.

Therefore, my delegation is ready to support the draft resolution.

**108. Text of the Speech made by Mr. Jawad (Iraq)
in the Security Council Meeting No. 769 held on
15 February 1957.**

Between my country and the two Dominions which are parties to the Kashmir dispute, there are a number of close ties which require no emphasis. Some of these ties were inherited from the remote past, others were woven during recent decades, still others are projected for the future. The long and arduous struggle of the Indian people as a whole for freedom and independence was a source of inspiration for the people of my country and the Arab people in general. The achievement of these objectives by India and Pakistan was a turning point not only in the history of Asia and the Far East, not only in the history of the Middle East, but also in the history of the nations and peoples which aspired to achieve free, independent and democratic life. Since the day when the peoples of the two great States became sovereign, the people of my country followed with admiration the vast strides made by the Indian and Pakistani people in the political, economic, cultural and social fields. We found in their endeavours—which have been directed toward the promotion of democratic life, the raising of the material and cultural standards of the population as a whole, and the assumption of a decisive role in international relations—examples of how liberation movement can contribute to the construction of a healthy national and international life.

Over and above our past relations, we admired India for

its democratic institutions, whether they are represented in its political parties, parliamentary practices, trade-union activities or freedom of speech. Furthermore, we like the Indian people for their courage in facing and challenging the material and social realities, for these realities are reflected in their economic and social reforms and in their five-year plans. We draw considerable satisfaction from observing the constructive role India has been playing since its independence in promoting and supporting the liberation of subjected people. There are a number of other reasons for which we Iraqis and Arabs like and admire the Indian people and their leadership.

With Pakistan, we have strong ties of brotherhood, or religious beliefs and of national aspirations. The history of the Arab people and that of the Pakistani people met at certain historical epochs, and, although we lived apart in other periods, both peoples were always inspired, during their long history, by the same sources for their particular civilizations, namely, by Islam as a religion and by the Koran as a guiding book. Both peoples worship one God. Thus, the sense of unity of purpose is deeply planted in the soul of every Arab and every Pakistani.

We have been watching the progress of Pakistan in the political, economic and social fields with profound pleasure. We know how difficult it is to build up society after it has been subjected for a long period to colonial domination, feudal exploitation and internal strife. Therefore, we draw immense satisfaction from seeing Pakistan construct its political and economic edifice in the most patient, logical and inspiring way.

If there is a tender spot for Pakistan in the heart of every Arab and every Moslem, this has not deterred us from liking and admiring India and the Indian people. To us, India and Pakistan are partners in their past, present and future. Let no State boundaries mislead those who look at the map of the Indian sub-continent, divided between India and Pakistan : nature has joined them together and subjected them to its various phenomena. Further more, history cannot be erased by

an act of partition. Indians and Pakistanis have lived together, shared periods of progress and prosperity, and suffered together the cruelties of man and nature.

Here, I must ask the Council's indulgence for this small digression into matters which might not at first sight, appear to be directly related to the question now under discussion. My country's connexion with India and Pakistan places it in a very special position, and we intend to clarify in advance that our attachment to India is no less strong than our attachment to Pakistan. That is why we have tried to give certain indications of our relationship both to India and to Pakistan, in the hope that our opinion on the question of Kashmir will not be misconstrued by either of the parties to the dispute.

Our approach to the problem stems from a deep sense of responsibility as a Member of the United Nations which believes in universal peace and justice. No sentiments of any kind, nor worldly goods, nor political gains, can in any way divert us from following the path indicated by the Charter of the United Nations and the Universal Declaration of Human Rights.

In my delegation's opinion, it is not possible to appraise the issues involved in the India-Pakistan question without direct references to the background of the matter. There are a number of phases, both material and cultural, involved in that background. It is, however, hardly necessary at this stage to refer to the various factors—economic, social, religious and cultural—which enter into the formation of the claims presented by Pakistan and India. The record of this question since 1948 contains a considerable amount of material which leaves no doubt as to the nature of the problem and the reasons which have led to the creation of a stalemate. However, any future action to solve the problem must take into account certain aspects of this background which have a direct bearing on the question; this must be done in order to place the matter in the proper perspective.

One of the aspects which, in our opinion, merits some consideration is the relationship between the question of Kashmir and the whole process by which India and Pakistan achieved their sovereign status. Under the scheme of partition,

Kashmir became free to accede to India or to Pakistan. The people of the Indian sub-continent were able, after years of struggle, to wring their independence from the United Kingdom. This was an achievement of the people, the result of their struggle and the outcome of the many sacrifices they had made in men and material. Many generations of Moslems and Hindus have suffered from persecution, illiteracy, despotism and all kinds of privations—at the hands not only of foreign rule, but also those Indians and other nationals who were instrumental in the implementation of the colonial rule and policy. Moreover, foreign rule had created its machinery, by means of which it was able to keep 400 million people in subjugation. It had resorted to the creation of a feudal class and the strengthening of the feudal system. It had also helped to create a middle class, which it attached to the machinery of economic exploitation. Economically and politically, the struggle of the people of the Indian peninsula was aimed not only at their liberation from foreign rule, but also at their liberation from all the vestiges of foreign domination. In other words, the independence of the Indian sub-continent—which was accompanied by the scheme of partition, as part and parcel of that independence—was an act to restore to the people their natural right to live under a form of government of their own choosing. Only the people of that sub-continent had the right to plan their future political and economic life. That is why some people chose to go to India, while others went to Pakistan. The religious beliefs of the people were one of the determining factors in the selection of their political allegiances, but the major premise lying at the foundation of the two States was the act of recognition of the people's right to determine the type of State which, in their estimation, would guarantee their rights and liberties.

Consequently, any action which followed the act of independence and the scheme of partition had to stem from one fundamental principle—namely, the freedom of the people to choose the side to which to accede. Thus, any action on part of India or Pakistan to coerce any group of people or any State to

join it is fundamentally an act which contradicts and entire historical epoch of struggle, which is in opposition to the principles of freedom and democracy of the people, and which is a hypocritical evaluation of the historical significance of the sovereignty of the people.

It is hardly necessary to say how many of the Indian Princely States were despotically ruled by individuals for their own egoistic ends, how many people enjoyed no political rights or liberties. Religious beliefs played an important role in the maladministration of justice by these rulers. It was an epoch of which the less is said, the better. But it is essential to remember that it was the paramount moral duty of the Governments which came into power following the liberation of the Indian sub-continent to avoid the pitfalls and to prepare the foundations for remedying the abuses of that epoch. It follows logically that those who, in 1957, assumed the responsibility for moulding the future shape of things in India and Pakistan should restore the people's stolen rights to the people themselves.

We are inclined to believe that the principle of democratic accession of majority of the Princely States to other Dominions, as well as the recommendations of the British Cabinet Mission of 1946, were well observed. It is to be remembered that as from August 1947 the Princely States became free to decide their future political status. That status, it was understood, theoretically would have to take one of two forms, either the State had to join one of the two Dominions or it had to remain independent. In practice, accession was influenced by many factors, including economic, geographical and communal factors.

Kashmir was one of three States that had not decided upon accession by 15 August 1947. Pending a decision, the ruler of Kashmir concluded standstill agreements with India and Pakistan; these agreements were to maintain the status quo emanating from the cessation of Kashmir's political relationship with the British Crown. It meant the acceptance by the authorities concerned of the postponement of the decision regarding

the accession of the State, but, under the pressure of circumstances, at a moment of turmoil and faced with the tragic events which followed partition, the Ruler of Kashmir decided to accede to India, thus putting an end to the agreements. The Ruler, however, made it clear that the State's accession should be settled by a reference to the people, once law and order had been established there.

At this point, the argumentation started. We do not wish here to enter into a discussion of this matter. Whether or not the accession was legal, one thing, however, cannot be denied, namely, that it was a conditional accession which should be confirmed by a referendum or a plebiscite.

When the question was brought to the attention of the Security Council in 1948, the Kashmir situation was no doubt viewed in the framework of the circumstances whole process of the creation of the two Dominions on the one hand and, on the other, in conjunction with the principle of self-determination. It could therefore be said that one of the primary considerations in the settlement of the problem was to ascertain the wishes of the people of Kashmir. The idea of a plebiscite no doubt had been in line, on the one hand, with the traditional struggle for liberation conducted by all the people of the Indian sub-continent and, on the other, with the principle of self-determination. Thus, its acceptance by India and Pakistan showed clearly that the two States were prepared to follow a procedure which conformed both to the wishes of the people of Kashmir and to the underlying principles upon which they had achieved their own sovereign status.

The Security Council, considering its highest duty was to maintain peace in the Indian peninsula and to promote justice for the people of Kashmir, reached decisions which were to serve as bases for the settlement of the question. It is hardly necessary to recall here the resolutions of the Council or those of the United Nations Commission for India and Pakistan as they have been well known to the world for the last eight or nine years. They indicate, among other things, the way the Council viewed the whole issue and the method for its settlement.

The whole issue centres around one major question, namely, that of the establishment of conditions under which a free and impartial plebiscite could be conducted. It will have been realized that all the resolutions, negotiations and reports were endeavours to promote such conditions. It could therefore be said that this problem, which was from its very beginning a clear one, at times had been obscured by the introduction of a number of elements foreign to it and sometimes quite irrelevant.

We do not wish to enter into a discussion of these elements, since such a procedure would be bound to take us away from the main questions. The statements made by the representatives of India and Pakistan were most revealing. They show clearly that the problem which was the subject of lengthy consideration by the Council remains unsolved, in spite of all the efforts that have been expended in that direction. Moreover, despite the passage of time, it seems that today the principal issue which the Council was called upon to settle in 1948 remains basically the same.

Furthermore, the submission of the Kashmir question anew implies, *inter alia*, that the Security Council is being called upon to assume its responsibilities as an effective organ of the United Nations for the maintenance of peace, to assert its authority and that of the United Nations under the Charter, and to provide directives as to the obligations of Member States.

We have listened most carefully to the points of view presented by the representatives of India and Pakistan, and thus we feel that the arguments put forward by the two parties provide indications that the present conditions surrounding the Kashmir dispute continue to involve elements which constitute a danger to peace in the Asian region and therefore, require new endeavours towards their settlement. These conclusions, reached after carefully examining the case and listening to the two points of view, will serve as bases for formulating our opinion with regard to any proposal put forward in connexion with the dispute.

It is generally accepted that the past resolutions of the Security Council and of the Commission should constitute the bases for the settlement of the dispute. The passage of time has neither changed the principles upon which the future of Kashmir was to be decided nor has made the method of a plebiscite less applicable now than it was eight years ago. Any development which has taken place on either side of the cease-fire line has certainly had some effect on the situation, and for that reason there should be a cooling-down period after the withdrawal of the armed forces of both States.

In view of what has been said here by the two parties with regard to the situation of the armed forces in Kashmir, and because the dispute has continued unsolved as a result of the failure to reach agreement on the nature and method of the demilitarization of the State, it will be agreed that this matter should receive high priority in any plan envisaged for the settlement of the dispute. Having stated that the holding of a plebiscite is the only way for settling the question, it therefore goes without saying that discussions should start with the problem of demilitarization.

It requires no emphasis that the negotiation of differences is the only method for reaching an equitable solution. Past experience has shown that the presence of a third party has always been helpful in narrowing differences between the parties. For these and for other reasons, it would seem that, in entrusting the President of the Security Council with the mission of examining the situation, there would be many advantages. In requesting the President to examine, with the Government of India and Pakistan, ways of achieving demilitarization in the light of the previous resolutions, the Council would show not only that it believes that a rapid solution is highly important, but also that it places its trust in the tradition of neutrality and respect for peace and international law which his country represents.

The recent experience of the United Nations with the role that an international force could play in solving international conflicts and in promoting conditions favouring peace

may make the introduction of such a force a factor for achieving a settlement worth consideration. It should, however, be noted that this suggestion is accepted, first, to be examined within the framework of the whole question and, second, that its employment should be absolutely in accord with the principles of the Charter.

We feel that the time limit set for the reporting of the President is rather short, and we would prefer that a longer period of time be given to the President.

The only concern of my Government is to see that steps are taken in order to decrease the tension and to prepare the establishment of peaceful relations between India and Pakistan.

We believe that the draft resolution submitted by Australia, Cuba, the United Kingdom and the United States [S/3787] contains all the elements necessary at the moment for taking certain positive steps in the solution of the Kashmir dispute. We hope, with the collaboration of India and Pakistan, that the President will be able to bring this painful episode to a happy ending.

**109. Text of the speech made by Mr. Georges Picot
(France) in the Security Council Meeting
No 769 held on 15 February 1957.**

The French delegation has listened with the greatest attention to the statements during the past few weeks of the divergent views of Pakistan and India.

The Kashmir question is a subject of grave concern to all Governments who are anxious to safeguard the maintenance of peace and to bring about a democratic solution of outstanding problems throughout the world. During the past nine years, the question of the future of the Princely State of Jammu and Kashmir, an outcome of the partition of the Indian Empire has been a source of more or less permanent discord in the sub-continent.

I shall not recall the incidents by which this long dispute has been characterized. I shall merely point out that it is the

duty of the Security Council, in pursuance of its fundamental task, to do its utmost to prevent any repercussions, however localized, which might rapidly flare up into a conflict. The Council is in duty bound to exert every effort to bring about a peaceful solution based on the principles of the Charter. Such a solution should be accepted with good will by the parties, even if it calls for some sacrifices from them both.

The French delegation therefore supports the draft resolution presented by the delegations of Australia, Cuba, the United Kingdom and the United States of America [S/3787]. It considers it reasonable to request our President to examine proposals for a settlement which, although based on previous resolutions of the Security Council, would take into account the arguments advanced by both parties in this room over the past few weeks.

The draft resolution before the Council is not in the nature of a substantive decision. It confines itself to prescribing a fact-finding measure and the Council will take no decision on the solution of the Kashmir problem until it has heard the report of its President. I do not therefore think that the final phrase of operative paragraph 1, which reads: "bearing in mind the statements of the representatives of the Governments of India and Pakistan and the proposal for the use of a temporary United Nations forces", should be regarded as anything but an indication.

The President of the Council will undoubtedly examine with the Governments of India and Pakistan all the aspects, both juridical and practical, of the use of such a force. In the circumstances, it seems to me that any objections which the parties, or the members of the Council, might have to any given formula are fully reserved.

The French delegation earnestly hopes that the mission to be entrusted in the President of the Security Council under the draft resolution before us will prove successful.

Mr. SOBOLEV (Union of Soviet Socialist Republics)
The Soviet delegation reserves the right to speak on the

substance of the draft resolution after the Council has heard the statements of the parties concerned in this matter, that is to say, of the representatives of India and Pakistan.

110. Text of the speech made by the President Mr. Gunnar Jarring as representative of Sweden in the Security Council Meeting No. 769 held on 15 February 1957.

I shall now speak in my capacity as representative of SWEDEN.

In the course of my intervention at an earlier stage of our debate on the India-Pakistan question, I pointed out that the Swedish Government does not consider itself committed to any particular way of dealing with the problem before us [765th meeting, paras. 78 to 80].

We have studied carefully the various aspects of the question, and it is our sincere wish to try and assist in the endeavours to bring to an end this unhappy situation which has for so long troubled the relations between India and Pakistan—two countries with which we entertain the most friendly relations and both of which we hold in the highest esteem.

As we see it, there are, in principle, two courses open to us along which progress may be made towards the ultimate goal which it seems to us, must be an agreement between the parties on a political basis. Only by such an agreement would lasting peace and security in Kashmir be ensured. One course to reach an agreement would be, as has been done in the past, to bring the parties together for negotiation either directly or through some intermediary. The other course is this if it should be found that the question cannot at the present time be solved through negotiations, might be useful to have certain underlying problems of a legal character progressively clarified in order to create better conditions for an agreement.

Now that nine years have elapsed without any progress being in sight for an agreement between the parties, we would

have thought that the time had come to try the alternative. In the opinion of my Government, this could then best be done by referring some of the legal aspects of the matter to the International Court of Justice for an advisory opinion. However, we recognize that there is a general feeling that another effort should now be made to explore the possibilities of finding a solution through negotiations in the light of later developments. We feel that this idea has much to commend itself, particularly in view of the fact that several years have passed since such negotiations last took place. We are therefore fully prepared to accept the ideal behind the draft resolution which is before the Council. In the event, however, that it should not prove possible to advance the solution of the problem in such a way and the question consequently will come before the Council once again, my Government might at that time deem it advisable to have the legal background of the question clarified.

**111. Text of the Speech made by Mr. Sobolev
(Union of Soviet Socialist Republics) in
the Security Council Meeting No. 770
held on 18 February 1957**

The Security Council has heard statements by the representatives of India and Pakistan, and by members of the Council, on the question of Kashmir. The Soviet Union's general position on this question was outlined at the Security Council's meeting on 24 January [765th meeting, paras. 81 to 88].

The Soviet Union's view, and its basic premise, is that the Kashmir question has in actual fact already been settled in essence by the people of Kashmir themselves, who consider their territory an integral part of the Republic of India. Having attained their rights as an autonomous States within the united family of Indian peoples, the people of Kashmir have assumed an active part in the peaceful constructive work in which the whole country is engaged, and have scored considerable

successes in the field of economic, social, cultural and political development.

Some States, however, do not want to acknowledge the great changes which have come about in Kashmir in the last few years. They continue to foment an artificial hue and cry on the subject of the so-called "Kashmir question" in order to force the reconsideration of the decision taken by the people of Kashmir themselves. This hue and cry will in no way help to bring about the re-establishment of normal conditions in the area, and it is diametrically opposed to the vital interests both of the people of Kashmir and of the peoples of India and Pakistan. The object of those who started this hue and cry is not to find a solution to the differences still outstanding between India and Pakistan, but rather to aggravate them. In fact, they are urging the Security Council along the same path, by calling on it to ignore the changes that have taken place in Kashmir and to try to force the solution of the Kashmir question into the Procrustean bed of the old resolutions.

The Security Council would be committing a serious mistake if it were to recommend any measures whatsoever without taking into account the extent to which they corresponded to the true situation and the vital interests of the people of Kashmir.

The Security Council cannot ignore the facts which have been placed before it notably in the statement made by the representative of India. The facts show that in the many years that have passed since the Security Council adopted its resolutions on the holding of a plebiscite, the situation in Kashmir has changed considerably. We must not forget that the idea of a plebiscite in Kashmir now meets with the objections of one of the parties; that it has in fact been rejected by that party. At the present time, the holding of a plebiscite in Kashmir, with outside interference in one form or another, as proposed by some members of the Security Council, can serve only to excite local conflicts and to complicate the international situation in the area. The task of the Security Council, however, is to strengthen peace and tranquillity in the area. In these circumstances, what useful purpose will be served by including in the

Security Council resolution a clause providing for the holding of a plebiscite in Kashmir? Clearly, no purpose at all.

Nor, in our opinion would there be any point in making a reference in the resolution to the Pakistan representative's proposal concerning the use of United Nations forces in the Kashmir region. The United Nations Charter provides clearly and unambiguously that United Nations armed forces can be used only to repel aggression and to restore international peace. The Charter of the United Nations makes no provision for the use of armed forces for any other purpose. It goes without saying that the Charter does not provide for the use of United Nations forces to impose by force a plebiscite in any country. Thus, the introduction of a United Nations force into Kashmir would be completely at variance with the principles of the United Nations Charter and would be an outright insult to the national sentiments of the people of Kashmir.

That being so, the Soviet Union delegation will vote against the inclusion in the draft resolution of any provisions which do not correspond to the true situation in the Kashmir area, which fail to take into account the vital interests of the people of Kashmir or which are at variance with the principles of the United Nations Charter.

The Soviet delegation would however be prepared to support proposals calling for the suspension for a certain time of the Council's consideration of the Kashmir question. During that time the members of the Council could study the documents which have accumulated, and the parties directly concerned could make a further effort to settle their differences by means of direct negotiation.

In the Soviet delegation's opinion, the parties are far from having exhausted all the possibilities for a peaceful settlement of the Kashmir question by means of bilateral negotiations, without outside intervention of any sort. Such a procedure would be fully in keeping with the principles of the United Nations Charter, as also with the interests of the people of Kashmir and of the people of India and Pakistan.

The sponsors of the draft resolution have told us that the purpose of the resolution is to try a new—and I would stress

the word "new"—approach to find a peaceful settlement of the differences between India and Pakistan in his new approach consists in requesting Mr. Jarring, the President of the Security Council, to go to the area and examine with the Governments of India and Pakistan the situation in Kashmir and possible means of settling the existing differences. If this is indeed the purpose of the draft resolution, there can be no objection to it. In that case, however, there is no need to tie Mr. Jarring's hands by proposals which, even at the stage of their discussion in the Security Council, have been objected to by one or other of the parties—and we have heard such objections in the Security Council.

The representative of Colombia, Mr. Urrutia, had made a very interesting proposal here. If I understood him rightly, he proposes that the preamble to the draft resolution, with the exception of the first paragraph, should be deleted [768th meeting, para. 86]. The delegation of the Soviet Union supports this idea; however, it would be desirable to modify not only the preamble but also operative paragraph 1, by deleting from it any proposals to which objections have been raised.

The delegation of the Soviet Union therefore presents the following amendments [S/3789] to the draft resolution submitted by Australia, Cuba, the United Kingdom and the United States [S/3787] :

"1. Replace the preamble by the following text :

" *'Having heard the statements of the representatives of the Governments of India and Pakistan.'*

"2. Amend paragraph 1 of the operative part to read as follows :

" *'Requests the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan the situation in respect of Jammu and Kashmir, and to consider the progress that can be made towards the settlement of the problem, bearing in mind the statements of the representatives of the Governments of India and Pakistan;'*

"3. In paragraph 3 of the operative part delete the words: 'but not later than 15 April 1957'.

The last amendment is to delete the reference to a specific date for the presentation of the report. Mr. Jarring should be at liberty to present his report whenever he deems it appropriate.

These amendments are intended to remove from the draft resolution such provisions as have been objected to by one of the parties directly concerned, while retaining the nucleus of the proposal, as we understand it, namely, the request to the President of the Security Council to examine the situation in Kashmir with the Governments of India and Pakistan and to report to the Security Council.

The delegation of the Soviet Union hopes that these amendments will be accepted by the sponsors of the draft resolution and supported by the other members of the Security Council. The delegation of the Soviet Union is of course ready to discuss with the sponsors of the joint draft resolution the best way of including in it the idea underlying the Soviet amendments.

**112. Text of the Speech made by Mr. Barco
(United States of America) in the Security
Council Meeting No. 772 held on 20
February 1957**

The Security Council began its renewed consideration of the Kashmir problem on 16 January. Since then, we have met eleven times and we have had a very thorough airing of this complicated problem.

The United States has listened with great attention to the statements of the representatives of India and Pakistan. The council, as a whole, has shown an enlightened and constructive attitude toward the solution of the problem in the proper spirit of conciliation.

The Soviet Union, however, apparently does not look at this problem in the same way as the other members of the Council. While it has been our hope that the United Nations through the draft resolution tabled by Australia, Cuba, the United Kingdom and the United States [S/3787], could assist the parties in taking a forward step, the position of the Soviet representative has been essentially negative.

Let me examine the amendments the representative of the USSR has put forward (S/3789). First, under the Soviet Union amendments, all mention of previous resolutions, either of the Security Council or of the United Nations Commission for India and Pakistan, is eliminated. The Council would therefore be asked to ignore the obligations to which both India and Pakistan are committed in the United Nations Commission resolutions as well as a large number of Security Council resolutions which are still valid.

Second, under the Soviet Union amendments, all mention of the importance of achieving demilitarization is eliminated. Now, the cease-fire is in effect. But it is the failure to reach agreement on the terms of a truce that has prevented further progress toward a plebiscite. The elimination of emphasis on demilitarization would ignore the fact that this is the key point at which progress has been blocked.

Third, under the Soviet Union amendments, all mention of the proposal for a United Nations force is deleted. We continue to believe with the other members of the Council that this idea deserves consideration and that it should be one of the elements borne in mind by the President of the Security Council in his discussions with the parties, in accordance with the terms of the draft resolution. While the President would have sufficient scope to take this proposal into consideration on the basis of the statement of the representative of Pakistan, we believe a clear reference to it in the draft resolution is desirable.

Fourth, the Soviet Union amendments imply that while the Security Council has heard the statements of the representatives of India and Pakistan, it has not considered them. This is an odd reflection on the work of the Council. The United

States and, I believe, other members have considered the statements of the parties, and the draft resolution reflects conclusions based on their consideration.

Fifth, under the Soviet Union amendments, the word "dispute" is changed into the word "situation". While the security Council used the word "situation" in its earliest resolutions it has subsequently used the word "dispute" consistently. This was the word used in the resolution of 24 January 1957 [S/3779] and, in our opinion, reflects the facts.

Finally, under the Soviet Union amendments, the terminal date for the mission of the President is deleted. We have no strong views on the exact date, but we do think that we must move forward expeditiously. We would not think that the President should be asked to take on this difficult assignment without a definite terminal date, and we consider 15 April 1957 to be a reasonable date on which to ask him to report.

The draft resolution which has been presented by Australia, Cuba, the United Kingdom and the United States is a carefully balanced whole. The Soviet Union amendments would destroy that balance. The explanation of the amendments made by the representative of the Soviet Union on 18 February [770th meeting, paras. 134 ff.] revealed that his objectives were contrary to those of other members of the Council. The representative of the Soviet Union does not want to have a plebiscite held under United Nations auspices, nor does he want even to consider the possibility of United Nations forces helping the parties to achieve demilitarization. This is something apparently alien to the instincts of the Soviet Union. He has told us that the serious problem with which the Security Council is faced is, to use his words, an "artificial hue and cry" (*Ibid.*, para. 136), and he premises his willingness to have the President of the Security Council examine the "situation in Kashmir" (*Ibid.*, para. 143), as he but it, by characterizing that situation as one which has already been settled. In the light of these considerations and his own comments that he wants to interrupt the Council's consideration of the problem for some time, we cannot consider his amendments as a serious attempt

to further the work of the Council, and we cannot accept them.

With respect to the amendments introduced by the representative of Colombia (S/3791/Rev. 1), I would like to reiterate simply that we conceive the resolution as an integrated whole. We appreciate the constructive approach which, as always, the representative of Colombia has shown here. However, we have doubts about the desirability of the changes embodied in his amendments, and we think that the terminology in the four-Power draft resolution is more likely to lead to constructive results.

The four-Power draft resolution is designed to assist India and Pakistan to carry out the obligations they have assumed and which they have reaffirmed before this Council.

The United States and I know the Security Council as a whole want to be helpful in resolving this dispute. The United States values its friendship with India and Pakistan. Reference has been made here to our relationship with Pakistan. The United States is glad to be associated with Pakistan in collective security arrangements and to be assisting it in a cooperative effort. We have always attempted to approach the Kashmir problem on its merits, and we do not believe that our collaboration with Pakistan in area defence affects the merits of this case. We seek to assist both India and Pakistan—and I say this with great sincerity—in finding a just and equitable solution of the Kashmir problem. We continue to hope that a settlement can be achieved in a manner satisfactory to both. We again urge them to co-operate to that end. We believe that the four-Power draft resolution will assist them, and we urge its adoption.

**113. Text of the Speech made by Mr. Walker
(Australia) in the Security Council Meeting
No. 772 held on 20 February 1957**

The Australian delegation is happy to see that the representative of India is well enough to take his place at the Council table this morning and to make the further statement on behalf of the Government of India that we were promised.

We have listened with great interest to this statement, and I must say that I personally feel more convinced than ever of the desirability of this Council arranging for its President to visit the area and to report back to the Council as provided in the four-Power draft resolution [S/3787] that is before it.

I feel it desirable to comment briefly on the two sets of amendments submitted to the Council by the representatives of the Soviet Union and Colombia.

As to the Soviet Union amendments [S/3789] I am afraid I see nothing in their favour. Is the representative of the Soviet Union really interested in a sound and rational discussion of this problem of Kashmir? His own statements seem to contradict his amendments. At the 770th meeting, Mr. Sobolev had this to say :

"...the Kashmir question has in actual fact already been settled in essence by the people of Kashmir themselves, who consider their territory an integral part of the Republic of India". [770th meeting, para. 135].

If this question of Kashmir has been settled, why does the representative of the Soviet Union support a proposal that the President of the Council should go to the sub-continent to investigate the question? Surely there would be no point in our requesting you to make this long and arduous journey to India and Pakistan if the matter were already settled. One may well ask : What are the real objective of the Soviet Union in this connexion?

If we look further into Mr. Sobolev's statement, we find that he has proclaimed that :

" the Charter does not provide for the use of United Nations forces to impose by force a plebiscite in any country." [770th meeting, para.139.]

Of course not. But I suggest to my colleagues that this is a gross distortion of the wording and intention of the draft

resolution. If Mr. Sobolev had read the preamble carefully, he would have noted the words :

"...in so far as it" — the proposal of the representative of Pakistan concerning the use of a temporary United Nations force — "might contribute towards the achievement of demilitarization . the use of such a force would deserve consideration',. [S/3787.]

Nobody has suggested in this Council that troops should be used to force the holding of a plebiscite in Kashmir.

Of course, it does not come as a surprise that the Soviet Union would be opposed to any suggestion of a plebiscite which would enable the people of Kashmir to express their own views on their future political allegiance. After all, the Soviet Union has often shown a preference for other methods of determining such questions.

Nor, I suppose, should we be surprised that the Soviet Union is opposed to any proposal for the introduction of a temporary United Nations force into Kashmir. We are all familiar with the position of the Soviet Union on the United Nations Emergency Force at present in the Middle East.

And as for Mr. Sobolev's suggestion that all would be quiet in Kashmir were it not for artificial attempts to create trouble there, these words have so familiar a ring that they can carry little conviction to the Council, particularly in view of the statements we have heard from the parties.

In short, the amendments of the Soviet Union representative seem to me to ignore all that has gone before on this question of Kashmir.

With regard to the amendments proposed by the Colombian delegation [S/3791/Rev. 1], I would only say that while I fully appreciate its motives in putting them forward, I find them difficult to accept since I feel that the draft resolution as it stands would provide a suitable basis for the mission that we wish to entrust to the President of the Council.

Before concluding these remarks, I wish to correct certain references that the representative of India made last Friday

[769th meeting] to my own statement in the Council [768th meeting, paras. 48 to 59]. Mr. Menon complained that I had drawn an analogy between the United Nations Emergency Force now in Egypt and the proposal of the representative of Pakistan which is referred to in the draft resolution before us. Moreover, he said that this analogy "comes ill from the representative of Australia, who initially refused to have anything to do with this business of sending a force to Egypt in order to implement the purposes of the Charter" [769th meeting, para. 103.].

I can only say that Mr. Menon's recollection was at fault when he made this remark. There were three votes in the first emergency special session on the subject of the United Nations Emergency Force. On the first of those resolutions Australia abstained because the preamble recalled earlier resolutions relating to the withdrawal of the United Kingdom and French forces which we had not supported. But we made it clear that we supported in principle the establishment of UNEF and we voted for the next two resolutions dealing with arrangements for the Force. So there is no foundation for Mr. Menon's suggestion that Australia's position on UNEF has been such as to make it inappropriate for me to draw an analogy between that Force and the Force proposed for Kashmir, if I had desired to do so. As a matter of fact, my observations on this question were carefully worded to avoid entering into any discussion of that kind.

What I said about the Pakistan proposal for a United Nations force is as follows :

"The idea", I said, "is perhaps not a new one, but it gains in interest and importance from the recent experience of the United Nations in the establishment and operations of the United Nations Emergency Force in Egypt. Without drawing any parallel between the situation that led to the General Assembly's decision to establish that Force and the problem of securing appropriate measures of demilitarization of Kashmir as a preliminary step towards holding a free and impartial plebiscite, it would seem to us very difficult for anybody to deny that

the use of such a force, in so far as it might contribute towards demilitarization, would, in the words of the draft resolution 'deserve consideration.'" [768th meeting, para. 53].

I appreciate that Mr. Menon did not have the text of my statement before him when he spoke and that may explain why his own comments some what distorted my remarks. I have gone into this partly in order to set the record straight and also if possible, to reinforce my previous plea to Mr. Menon to recognize our good will in this matter and to accept our draft resolution in the spirit in which it is offered.

I must say that regarding this proposal for the use of a temporary force, the comments of the representative of Pakistan, (770th meeting, para. 120 to 128) towards the conclusion of his speech on Monday, indicating his understanding of the functions that a United Nations force might fulfil in this connexion, struck me as being very reasonable. But these are only observations which, along with the other statements made here, would need to be taken into account by our President in his discussions with India and Pakistan.

It is the hope of the Australian delegation that, along with other matters, our President will explore this proposal with the Governments of India and Pakistan and that they will give this, as indeed the other matters studied by the Council on this occasion, their closest consideration.

**114. Text of the Speech made by Sir Pierson Dixon
(United Kingdom) in the Security Council Meeting
No. 772 held on 20 February 1957**

The Council has before it a series of amendments to the joint draft resolution (S/3787) proposed by the representative of the Soviet Union (S/3789), and it also has before it amendments proposed by the delegation of Colombia (S/3791/Rev. 1).

As regards the latter, I appreciate the sincere desire of the representative of Colombia, shown in his speeches, to be of assistance in suggesting amendments which he has put forward

in the hope that they might prove acceptable to both parties. I would only say that these amendments make certain references and omit certain points, with the result that the balance of the original draft is upset. I therefore hope that he will find it possible not to press his amendments.

The Soviet Union amendments have to be read in the light of the Soviet Union representative's statement at the 770th meeting of the Security Council. The amendments by themselves give the appearance of being an attempt to find a compromise. However, the speech of the Soviet Union suggest either that the Soviet Union delegation is ignorant of the facts about Kashmir or that it is making an attempt to create mistrust and exacerbate existing misunderstanding in the sub-continent.

What does he say ? He asserts bluntly that :

"The Soviet Union's view, and its basic premise, is that the Kashmir question has in actual fact already been settled in essence by the people of Kashmir themselves."
[770th meeting, para. 135.]

What does he mean ? And then Mr. Sobolev says :

"We must not forget that the idea of a plebiscite in Kashmir now, meets with the objections of one of the parties: that it has in fact been rejected by that party."
[*Ibid.*, para. 138.]

But it is clear from the speeches of the representative of India that he has not at any stage rejected on behalf of the Government of India the idea of a plebiscite. He referred to the conditions which have to be met before it is possible to have a plebiscite. He has talked about the difficulties in the way of a plebiscite, but he has not suggested that he rejects the idea of a plebiscite. If, however, it is the Soviet Union view that the question of Kashmir has already been settled by the people of Kashmir itself and that the idea of a plebiscite at the present time has been rejected by one of the parties, what then is the

purpose of the representative of the Soviet Union in suggesting that the interested parties could use this time, that is to say, the present time, for making new efforts to settle existing differences by means of direct negotiations? Negotiations about what? If, to accept Mr. Sobolev's contention, the question of Kashmir has already been settled and one party rejects the idea of a plebiscite, how—on what basis—could such discussions take place? With what sincerity does he propose that the President of the Security Council should go out into the field to consider, together with the Government of India and Pakistan, the existing situation in Kashmir as well as possible methods of settling existing differences? Yet, despite the strange illogicality in the speech of the representative of the Soviet Union, he did at least agree to that. It is possible to attribute the words of his speech to innocence or ignorance rather than to anything else. I hope, therefore, that he will not make himself responsible for preventing such a visit by our President from taking place.

I said that the Soviet Union amendments give the appearance of being an attempt to find a compromise; but in my view the effect of those amendments is to emasculate the draft resolution to such an extent that the resulting proposal would not be likely to make a contribution to the settlement of the Kashmir problem. I think I can best explain my reasons—and I shall do it as shortly as can—by pointing out the significance of the points in the four Power draft resolution which the Soviet proposal seeks to eliminate or amend.

The proposal of the Soviet Union would omit the whole of the preamble except for one paragraph which would be amended, a paragraph to which I shall come later.

Now what does our draft resolution say? In the first preambular paragraph it recalls the Security Council resolution of 24 January 1957 [S/3779], its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan. In doing this, it is true that it thereby recalls certain parts of the previous which have only a historical interest. But by recalling all the resolutions, the present draft is designed to avoid arguments about the different weight to be given to previous resolutions. This, I should have thought, would be

reassuring to both parties.

It is true that the four-Power draft resolution makes a specific reference to the resolution of 24 January. But after all, that resolution is a preliminary resolution which says that the Security Council "decides to continue its consideration of the dispute"; it is a resolution passed at the present series of meetings, and it would be anomalous to omit a reference to it.

I was asked to say why the resolution of 24 January 1957 had greater significance than that of 17 January 1948. My answer is that it has no greater significance. In fact, I drew attention to the resolution of 17 January 1948 in my intervention at the 768th meeting, by reading out the relevant part of it [768th meeting, para. 17].

Then an amendment is proposed to the clause "Having taken into consideration the statements of the representative of the Governments of India and Pakistan". I find it difficult to understand why. My Government is deeply concerned to find a peaceful solution of the Kashmir problem, and I can assure the representative of the Soviet Union that the statements made here have received the closest consideration not only by my delegation, but by my Government too.

Another effect of the Soviet Union amendment is to eliminate the word "dispute" in the draft resolution. I am puzzled that there should be any objection to this word. Not only has it been used in many Security Council resolutions, but it was used in the joint *communiqué* issued to the Press in New Delhi on 20 August 1953.

The Soviet Union proposal would eliminate from the draft resolution the clauses referring to "demilitarization". I am glad of this opportunity to clarify the meaning we attach to this important word. Demilitarization in this context means simply the process or procedures for withdrawing troops as laid down in the resolutions of the United Nations Commission for India and Pakistan. I repeat, as laid down in these resolutions, Demilitarization in our view is an essential process, to which Pakistan and India both agreed, as the way to the settlement of the problem. It is, moreover, an essential step on which both parties have laid the greatest stress.

Next, the Soviet Union proposal would remove the last preambular paragraph. Certain words in it were criticized, but this paragraph must be read as a whole. This paragraph is an expression of belief, and the sole belief expressed is that the use of a temporary United Nations force would deserve consideration in so far as it might contribute towards the achievement of demilitarization envisaged in the resolutions—not just demilitarization, but demilitarization as envisaged in the resolutions—and towards the peaceful settlement of the dispute. The belief is expressed in the conditional tense. The belief is that the use of such a force would deserve consideration in so far as “it might contribute”.

Now, I am aware of the strong feelings about the idea of a United Nations force. Nothing that has been said on this subject, however, appears very relevant to the paragraph in the draft resolution as it is actually drafted, or to provide a reason for the rejection of the draft resolution. It is surely in accord with the letter and the spirit of the Charter that the Security Council should tell the parties that it believes that this idea might, conditionally, deserve consideration. Is not the idea worth examining calmly with the President of the Security Council as a possible way of achieving progress?

I assert again that this draft resolution, in our view, in present circumstances, is in the true interest of both parties.

I would here repeat—and I trust my words will go out beyond the confines of this Council—that we approach this question in the simple spirit of wishing to see a just and fair solution. We stand ready, as we have throughout the last nine years, to consider our attitude to Kashmir on the merits, and on the merits alone, of the cases put forward by the parties, and in examining the cases put forward we are deeply conscious of the vital necessity of making a positive contribution towards peaceful progress in the subcontinent. My Government's attitude is based on no other considerations whatsoever.

In conclusion, I repeat that the draft resolution before us prejudices no position. In the view of my Government it is a

balanced draft. In our eyes it has virtue in that it bridges the Indian election period, without halting all the attempts to find a solution during that period.

The time must come soon when the Security Council must face its arduous task again. I trust and hope that it will be in a position to do so with further information about the attitudes of the two Governments before it, which will enable it to consider carefully and wisely its next step.

I therefore appeal once more to both Governments to consider the draft resolution before us, not for what is imputed to it, not for what has been read into it, but for what it is.

**115. Text of the Speech made by Mr. Jawad (Iraq) in
the Security Council Meeting No. 773 held
on 20 February 1957**

I shall be very brief, as I shall confine my observations to the joint draft resolution submitted by Australia, Cuba, the United Kingdom and the United States [S/3787] and to the two amendments, one submitted by the Soviet Union [S/3789] and the other by Colombia [S/3791/Rev. 1].

Our opinion regarding the amendments submitted by the Soviet Union depends upon three important considerations: first, our understanding and appraisal of the nature of the problem now before the Council; secondly, whether or not the parts of the joint draft resolution submitted by the four Powers which are to be amended do reflect the real situation from the historical and actual standpoints; thirdly, whether the omission of those parts of the joint draft resolution would contribute to the attainment of the objectives the Council has in view in dealing with the problem at present.

We have already stated our opinion on the nature of the dispute [769th meeting, paras. 1 to 27], and there is no need to repeat now what we have already said. We believe that the previous resolutions of the Security Council and the United Nations Commission for India and Pakistan form the basis for settling the dispute. These decisions are, we feel, in conformity

with the principles of the Charter. Thus, the decisions not only constitute the appropriate approach to a solution of the problem, but also represent the authority of the Council and the consequences which would follow upon the implementation of and respect for the resolutions.

The first paragraph of the preamble to the joint draft resolution seems to cover this phase of the matter, as we see it. The remaining six paragraphs of the preamble represent, in our view, a statement of fact with regard to the Council's consideration of the problem. They take note of the statements of the representatives of India and Pakistan and of the lack of progress achieved in settling the dispute. They also recognize a fact which is, in our opinion, of extreme importance, concerning the steps which should be taken in settling the dispute—that is, the demilitarization of Kashmir as a prerequisite for the holding of a plebiscite and concerning the operations which constitute a single and continuous process. The proposal regarding the use of a temporary United Nations force is included in the preamble only as a proposal to be examined by the President of the Council in his efforts to promote conditions leading to the demilitarization of the State in preparation for a free and impartial plebiscite. No one doubts that the formation and use of such a force should be in conformity with the principles of the Charter.

In the light of those remarks, we believe that the seven paragraphs of the preamble of the joint draft resolution not only reflect the true picture of the situation under consideration, but also provide a clear directive to the President of the Council. Thus, to delete the preamble and replace it by the suggested amendment would seem to ignore certain historical facts of the dispute; to omit the basic process for settling the dispute, as decided upon by the Council; and to present the dispute in a completely new context. For that reason, we find it difficult to agree to the substitution of the text contained in paragraph 1 of document S/3789 for the present preamble of the joint draft resolution.

From our remarks concerning the necessity of including in the preamble statements on the nature of the dispute and the

method to be used in settling it, it follows that it is imperative to include in the operative part of the draft resolution a provision concerning what is called the single and continuous process—that is, demilitarization as a precondition to the plebiscite. We feel, again, that paragraph 2 of the amendments proposed by the USSR in document S/3789 does not meet the requirements of the case and does not refer to the method envisaged for its settlement.

With regard to paragraph 3 of the amendments proposed by the USSR [S/3789] we feel, as we have already stated [769th meeting, para. 25], that the time-limit set for the President of the Council to carry out his mission and report to the Council is rather short ; we should have liked to see provision made for a longer period of time. Nevertheless, in view of the importance and urgency of the question and past experience in this connexion, to omit any reference to a definite date for reporting to the Council might not reflect the concern felt by the Council about settling the dispute. Consequently, we feel that the amendment as presently drafted does not meet the requirements of the situation.

Although the amendment to the preamble of the draft resolution [S/3791/Rev. 1, para. 1] submitted by Colombia does recall previous resolutions adopted on the problem, it does not provide a sufficient indication of the importance which the Council attaches to settling the question at the present time. Furthermore, it omits any reference to the way in which the Council views the method of settling the dispute. We do find ourselves in agreement with a number of the points in the proposed Colombian amendment to operative paragraph 1 of the joint draft resolution [S/3791/Rev. 1, para. 2]. Nevertheless, it seems that the adoption of the amendment concerning the possibility of referring the problem to the International Court of Justice would constitute an obvious deviation from the procedure accepted and followed by the Security Council and the United Nations Commission for India, and Pakistan and from the way in which those two bodies have treated the problem. For these reasons, my delegation is unable to agree to these two amendments.

We do, however, agree with the third amendment [S/3791/Rev. 1, para. 3] concerning the time to be allowed for the President of the Security Council to complete his mission.

The present consideration of the question by the Security Council does not in any way exclude the use of other methods for settling the differences. My delegation remains open-minded about examining and supporting new proposals, provided that such proposals, on the one hand, would constitute positive steps towards decreasing the tension in the area and settling the dispute, and, on the other hand, would not depart from the essence of the problem, as formulated in the decisions of the Security Council and the United Nations Commission for India and Pakistan, and would be in accordance with the spirit of the United Nations Charter.

Before concluding, I should like to refer to the statement made by the representative of India this morning in connexion with his reference to a statement which I had made at a previous meeting of the Council [772nd meeting, paras. 87 ff.]. It had not been my intention either to raise this matter or to refer to it here in the Council. I believe that Mr. Krishna Menon is a refined and accomplished lawyer and diplomat and would not wish—even when he differs with others—to express himself in the way in which his words were interpreted both here and outside the Council. Unfortunately, however, this is what has happened, and what has been repeated. It is perhaps due to the fact that the English language is so rich that it is open to various interpretations; that is probably what has caused this misunderstanding. Nevertheless, Mr. Krishna Menon has now clarified the matter to the satisfaction of all concerned.

I should like to assure him that we have a great admiration for his wide and profound knowledge of international law and international relations. This admiration, however, does not prevent us from differing with him on certain matters. I refer in particular to the position we have taken with regard to the Kashmir dispute. Although Mr. Krishna Menon believes that, in our treatment, we have ignored the circumstances of the case and have not been neutral, I should like to assure him

that my Government attaches the greatest importance to settling the dispute by peaceful means. Perhaps more than anyone else, he must realize that the only way for small States to survive and achieve progress and prosperity is through observing the law of nations and standing behind the letter and spirit of the Charter. That is what we have done in supporting the Council's decisions on Kashmir. Despite the differences regarding this problem, we still hope that the genius of India and Pakistan will find a way to settle the problem in accordance with law and justice.

**116. Text of Speech made by Mr. Sobolev (Union of Soviet Socialist Republics) in the Security Council Meeting
No. 773 held on 20 February 1957**

I shall be brief. I wish merely to make a few observations on the statements made at the 772nd meeting by the representatives of the United States of America, the United Kingdom and Australia concerning the amendments proposed by the Soviet delegation [S/3789].

Mr. Walker, the representative of Australia, and Sir Pierson Dixon, the representative of the United Kingdoms have questioned the consistency of the Soviet delegation's attitude on the question of Kashmir since we say that the Kashmir question has already been decided by the Kashmir people and, at the same time, we agree with the proposal that Mr. Jarring, the President of the Security Council, should endeavour to assist in the settlement of the existing disagreement between India and Pakistan on the Kashmir question.

The representative of Australia finds something contradictory in this, that one thing, so to speak, excludes the other. I must inform Mr. Walker that there is nothing contradictory in this position. The Soviet Union does in fact consider that the question of Kashmir has been settled by the Kashmir people, but the situation is complicated by the fact that Kashmir lies on the frontier between India and Pakistan and that part of the territory of Kashmir is administered by the

authorities of Pakistan and not of India. This in itself makes differences of opinion between the two States on the Kashmir question a foregone conclusion. It is these differences of opinion that should be discussed and that we are discussing here.

Since these differences between the two States exist, the Soviet Union considers that they should be settled by peaceful means, in accordance with the provisions of the United Nations Charter. In our opinion, the most direct approach is that of bilateral negotiations, with regard to which India and Pakistan have not exhausted all possible means and methods. We believe that this is the most promising approach to the peaceful settlement of this question.

In this connexion, the proposal that the Security Council should request its President, Mr. Jarring, to examine with the Governments of India and Pakistan the existing situation and proposals which might lead to a peaceful settlement of existing differences, could, in our opinion, be useful if all the other members of the Council concurred. It would appear, in fact that all the members of the Security Council as well as the two parties concerned agree that such a mission by Mr. Jarring could be useful. The only question, therefore, is how Mr. Jarring's task should be formulated—what he should be asked to do in this matter. It is on this question that we are in fundamental disagreement with the sponsors of the draft resolution.

What is the nature of this disagreement? The representatives of the United States and of the United Kingdom are correct in pointing out that the basic difference is on the question of the United Nations force. The United States representative considers it desirable—that is the word he used—that the Security Council resolution containing the instructions to its President should include a reference to the force of the United Nations [772nd meeting, para. 113]. I should like to ask what "desirable" means in this connexion. Does the Security Council endorse the idea of using a United Nations force in Kashmir, and if so, for what purpose? With what object should a United Nations force go there? What would

be its mission? The draft resolution we are now considering has nothing to say on the subject.

The United States representative feels that this idea not only deserves to be mentioned but should also be the subject of a recommendation—that it merits further development. If, in the matter of United Nations armed forces, the Security Council wished to act in full conformity with the Charter, it would have to state for what purpose and with what object such forces were being assigned to Kashmir. The United Nations Charter envisages only one task for armed forces of the United Nations: that of repelling aggression and restoring international peace in this or that part of the world.

I should like to be shown where in the Charter it is provided that the armed forces of the United Nations may be used for any other purpose. Article 42 is the only Article of the Charter which refers to the use of armed forces of the United Nations. The relevant Articles which precede it refer specifically to the repelling of aggression and the restoration of international peace. No other tasks are provided for in the Charter.

Why then should armed forces be sent to Kashmir? The draft resolution has nothing to say on this subject, but from the statements made here it is evident that they are to go in order to hold what is called a "plebiscite". I contend that the Charter nowhere provides for the use of United Nations armed forces for such a purpose as the holding of a plebiscite in any country. Accordingly, the proposal to send armed forces to Kashmir is contrary to the principles of the Charter. The Soviet delegation believes that it is not proper for the Security Council to take decisions which are in conflict with the Charter. This is the principal reason for our amendments to the proposals of the United States, the United Kingdom, Australia and Cuba, to delete the provisions concerning the sending of armed forces to Kashmir.

We have been told that by submitting those amendments we are not showing a constructive approach. This is allegedly evidence that we are hindering the peaceful settlement of the disagreement between India and Pakistan on the question of

Kashmir. But this is not true. Along with other members of the Security Council, we accept the basic idea that the President of the Security Council should, together with the Governments of India and Pakistan, consider possible ways of peaceful solution to this problem. I think there can be hardly anyone who is not convinced that the use of armed forces would not lead to a peaceful solution. On the contrary, their use would be evidence that enforcement measures were being applied. The Security Council has right to apply enforcement measures, but only in certain cases, in the specific cases prescribed by the Charter. In the present instance, the Security Council has embarked on such a course. Hence, there is no justification whatever for taking a decision to use a United Nations force in Kashmir.

We may be told that we are not taking a decision on the use of the armed forces and that we merely wish to explore the problem. But that is the whole point of the matter: the effect of this "exploration" will be that the Security Council will in fact be approving the idea, with a view to its implementation. Otherwise, it is impossible to understand the purpose of such a decision.

I understand why the sponsors of the draft resolution reject the amendments of the Soviet Union. It is probably because they believe that anything which comes from the Soviet Union is bad and is not intended to contribute to a constructive settlement of the problem. But, in that case, why do they reject the amendment proposed by Colombia? Is it not because those amendments, too, exclude Security Council approval of the proposal for the use of a United Nations force? Or perhaps because the Colombian amendments refer to the use of a United Nations force with the approval of the two parties? The amendment reads: "if accepted by the parties." Perhaps that is the crux of the matter. Nothing has been said about this here.

I conclude from this that the rejection of the Soviet amendments is not due to the fact that they conflict with the purposes of a peaceful settlement of the differences between India and Pakistan but rather to other considerations which have

nothing to do with our task or with the principles of the United Nations Charter.

The Soviet delegation's only consideration in introducing its amendments was the desire to further the adoption by the Security Council of a decision which would be acceptable to both parties concerned and which would make it possible to arrive at a peaceful solution of the existing disagreement which might otherwise develop into a more serious problem, requiring other and more serious measures for its solution.

As long as we keep within the framework of a peaceful solution, the situation is not such that we need be very greatly disturbed. However, we have been informed by both parties that troop concentrations are taking place on both sides. This is a matter to which we must pay attention. If it is really the Security Council's intention to work for a peaceful solution of this dispute, it should not press for the dispatch of a United Nations force to Kashmir as a method of solution. In our opinion, such a proposal can lead to nothing good in the present case.

**117. Text of the Speech made by Mr. Romulo
(Philippines) in the Security Council Meeting
No. 773 held on 20 February 1957**

My delegation has examined the amendments submitted by Colombia and the Soviet Union to the draft resolution tabled by Australia, Cuba, the United Kingdom and the United States, and has listened to the statements made by the sponsors in explanation of their respective proposals and also to the statement of the representative of India.

After careful study, my delegation is unable to agree with the first Soviet Union amendment [S/3789, para. 1], which would throw overboard the preamble of the draft resolution. I agree with the representative of Colombia that might be taken as overlooking what the Council has already done in the past. The most that my delegation could accept would be to consider the Soviet proposal as an amendment to the second paragraph

of the preamble of the draft resolution, but not as a substitute for the whole preamble.

For the same reason, my delegation is unable to support the first amendment, proposed by Colombia (S/3791/Rev. 1, para. 1), which is intended to replace the entire preamble of the draft resolution. Moreover, if the letter addressed to the President of the United Nations Commission on 20 August 1948 by the Prime Minister of India is mentioned by the Colombian amendment in order to incorporate the clarifications of the Commission to the Government of India, it is believed that a similar reference should be made to the clarifications of the Commission to the Government of Pakistan, so that the two Governments could be placed on an equal footing vis-a-vis the two resolutions of the United Nations Commission.

As far as the terms of reference of the President of the Council in operative paragraph 1 of the draft resolution are concerned, my delegation believes that there is a certain merit in spelling out what kind of proposals the President is expected to take up with the Governments of India and Pakistan. It is obvious that the "achievement of demilitarization" is necessary in order to create conditions under which a free and impartial plebiscite could be held. In the opinion of my delegation, that should be the prime concern of the President in his mission to the sub-continent.

It should be remembered that some progress had been achieved in the past towards the goal of demilitarization, so much so that the issues have been concertized particularly as to quantum of forces that the Governments of India and Pakistan would like to have remain on their respective sides of the cease-fire line. Obviously, my delegation cannot support the second amendment proposed by the Soviet Union (S/3789, para. 2) which would delete all reference to the "achievement of demilitarization".

My delegation does not understand the objection by the Soviet Union to the use of word "demilitarization" in the draft resolution. It is true that particular word nowhere appears in the United Nations Commission for India and Pakistan resolution of 13 August 1948 (S/1100, para. 75) and of 5 January

1949 (S/1196, para. 15). However, a perusal of part II of the resolution of 13 August 1948 shows that it is concerned with the withdrawal of armed forces on both sides of the cease-fire line : from the Pakistan side, of Pakistan troop as well as of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting; and from the Indian side, of the bulk of Indian forces in stages to be agreed upon with the Commission. Then the resolution of 5 January 1949 speaks of the final disposal of Indian and State armed forces.

The process of withdrawal, reduction or disposal of armed forces on both sides of the cease-fire line as provided in the two resolutions of the Commission was described as "demilitarization" by General McNaughton who was first commissioned by the Council on 17 December 1949 [457th meeting] to meet informally with the parties concerned. So did Sir Owen Dixon and Mr. Frank P. Graham, United Nations Representative for India and Pakistan, and the Security Council itself in its resolutions of 14 March 1950 [S/1469] and 30 March 1951 [S/2017/Rev. 1], use the term "demilitarization" without objection from anybody.

However, if it will enhance general agreement, my delegation would not object to the use of another term provided it accurately describes the withdrawal or disposal of armed forces as envisaged in the two resolutions of the United Nations Commission for India and Pakistan.

The formula contained in the second Colombian amendment [S/3791/Rev. 1, para. 2] would seem to be preferable so far as it refers to the achievement of the provisions contemplated in the Commission's resolutions of 13 August 1948 and 5 January 1949. For one thing, it is more comprehensive and more precise than the clause "the achievement of demilitarization". For another thing, it conserves the principle of a plebiscite which is expressly provided for in the two aforementioned resolutions but which principle is rejected in the second Soviet Union amendment [S/3789, para. 2], according to the explanation of the representative of the Soviet Union.

Another alternative would be to use the term "truce

agreement" which is the heading of part II of the resolution of 13 August dealing with "demilitarization".

It is meet that the President should be further empowered to examine other proposals likely to contribute to "the establishment of other conditions for progress towards the settlement of the dispute". That way, substance is given to the pledge of faith made before the Council that the parties may never be found wanting in the methods of exploration and finding agreement. That way also, it is hoped that the President will be given the necessary freedom of action to avoid falling into a rut. The Soviet and the Colombian amendments seem to accept this point of view. However, they both skirt the argument of the representative of India that what the Council is seized of is a situation and not a dispute. Instead the Soviet Union and Colombian amendments adopt the word "problem" which does not appear in Chapter VI of the Charter. It is not seen how the Council can get away from its resolution of 21 April 1948 [S/726] finding that the continuance of the dispute between the Governments of India and Pakistan is likely to endanger international peace and security.

My delegation has already expressed its views with respect to the proposal to use a United Nations force temporarily [768th meeting, para. 115] as a means of achieving demilitarization. It goes without saying that we can only commend it to parties. The parties, jointly or singly, are free to accept or rejected it. Nevertheless it is the Council's right and duty to express its opinion. We would be failing in our duty if after deliberation we did not express what in our opinion would be a reasonable proposal to solve the deadlock on the question of demilitarization.

In this connexion, my delegation cannot but reject the statement that there is an attempt to introduce a "war atmosphere" in the way of the United Nations force [769th meeting, para. 176]. I do not think any Member State would be justified in placing a United Nations force engaged in a mission of peace on the same footing as an invading alien force.

I must emphasize that the sovereignty of India or of Pakistan is not involved in the proposal to send a United

Nations force into the State of Jammu and Kashmir for a temporary and limited purpose. In the view of both the Council and the Commission, neither India nor Pakistan can bring into question the sovereignty of the State of Jammu and Kashmir. This position is crystal clear in the assurance given by the Commission to the Governments of India and Pakistan and which forms the basis of their acceptance of the resolutions of 13 August 1948 and 5 January 1949 (see documents S/1100, annex 12, p. 105, and S/1430/Add. 1; 1/see also annex V, section A, of the documents submitted as annexes to the statement made by Mr. Krishna Menon (S/PV. 762/Add. 1). Under the circumstances and pending the holding of a plebiscite, neither India nor Pakistan can claim sovereignty over the State of Jammu and Kashmir.

Given the purpose of the United Nations force, there can be no stigma attached to its introduction into the territory of the State of Jammu and Kashmir. The force is being sent there precisely to assist in securing a free expression of the wishes of the people of the State to determine whether they will accede to India or to Pakistan. That salutary objective delimits the tenure and circumscribes the authority of the United Nations force which will function under and derive its powers from the Government of the State of Jammu and Kashmir.

Purely as a matter of drafting, my delegation would have no objection to the deletion of the words: "and the proposal for the use of a temporary United Nations force", at the end of operative paragraph 1 of the draft resolution. This clause is redundant because the proposal for the use of a temporary United Nations force is embodied in the statement of the representative of Pakistan, which the President of the Council is already asked to bear in mind in the same paragraph. I can see no reason for the repetition except for the purpose of emphasis. Moreover, the last paragraph of the preamble of the draft resolution expresses the belief of the Council that the Pakistan proposal deserves consideration in so far as the use of a United Nations force might contribute to the achievement of demilitarization. Certainly, the President cannot ignore it as one of the proposals he may examine with the Governments

of India and Pakistan as likely to contribute to demilitarization.

My delegation considers premature that part of the second amendment proposed by Colombia [S/3791/Rev. 1, para 2] which mentions the possibility of referring the question to the International Court of Justice, which is alleged to have been suggested by the representative of Sweden. If I understood the representative of Sweden correctly, he suggested reference to the Court only as an alternative to negotiations between the parties [769th meeting, paras 39 and 40]. My delegation does not believe, therefore, that the proposal to refer the problem to the Court should be among the proposals which the President of the Council should, in the first instance, examine with the Governments of India and Pakistan. The Council will be in a position to examine and study that particular proposal only if the procedure envisaged in the draft resolution should to achieve any result. Indeed, the representative of Sweden declared that this Government might deem it advisable to have the legal background of the problem clarified should the question again come before the Council in the future.

As regards operative paragraph 3 of the draft resolution, it was suggested the other day that the time limit within which the President should report to the Council might be too close. The Soviet Union amendment [S/3789, para 3] would delete any mention of a time limit. While my delegation holds no particular brief for the date of 15 April 1957, it considers a time limit essential both as a stimulant and as an incentive to achieve progress with the least possible delay. For that reason my delegation is more inclined to accept the third amendment proposed by Colombia [S/3791/Rev. 1, para 3], which would require the President to report to the Council "if possible not later than 15 April 1957."

It has been said here, unfortunately, that some States "Continue to foment an artificial hue and cry on the subject of the so-called 'Kashmir question' in order to force the reconsideration of the decision taken by the people of Kashmir themselves" [770th meeting, para 136]. It was said further that "this hue and cry will in no way help to bring about the re-establishment of normal conditions in the area" and that "the

object of those who started this hue and cry is not to find a solution to the differences still outstanding between India and Pakistan, but rather to aggravate them" [*ibid.*]. I said that it was unfortunate that a matter as vital as the India-Pakistan question should be used for the usual propaganda purposes. We all know, in this Council, that no one here is guilty of encouraging any "artificial hue and cry" and that there are no so-called initiators of this "hue and cry"—the implication being, as usual, that these must be the Powers habitually accused by their chronic accusers of the vilest imperialistic motives.

I wish to place before the Council my Government's desire that Kashmir, as part and parcel of the Continent of Asia, should not be involved in the ideological conflict and the propaganda warfare of our time. Kashmir is Asia, and Asia must have no more of the perplexing disputes of ideology with which we have been afflicted recently. The issue before us cannot be plainer than it is: we want the people of Jammu and Kashmir to express their own will in a peaceful and perfectly untrammelled way. That is why we have decided on a plebiscite as the best instrument to that end; and if we are discussing this issue again at the present time, it is because that will has not been expressed as desired.

That was the original omission, and it still is. We who are here representing our Governments and the collective will of the United Nations are concerned that there has been no compliance, which, in the interest of world law and order, must come through specific performance by the parties. At the same time, we are bound to take the position that, if anything has happened for the good of the people of Kashmir—as has been alleged—that good is in mitigation, but not in condonation, of the original omission.

We have been told here that a plebiscite in Kashmir would be "imposed by force" through the instrumentality of the proposed United Nations contingent, and that the plebiscite would constitute "outside interference" [770th meeting, paras 138 and 139]. With all deference to those who think this way, we must say that nothing is more repugnant to the ways of our Organization than the use of force, and for this reason the

mission of the contingent—if the Council decides to create such a contingent—will be strictly for peaceful ends. As to the charge of interference from outside, what could result from the good offices of the United Nations but confirmation of the truth—if the truth exists—that all is well in Jammu and Kashmir? If anything, therefore, the plebiscite should establish the facts in this dispute definitely and beyond all doubt.

It is my Government's desire to see this dispute resolved in the United Nations way—that is, with peace as the sole objective, peace based on agreement between the parties, agreement arrived at without interference from this or that ideological camp. It is this kind of interference which we must guard against at all times and, obviously, it cannot come from the United Nations, which has neither imperialistic nor colonial designs. Under United Nations auspices, the goal of peace is beyond muddling, and I submit that it is under such auspices that the principal parties to this dispute can reach a durable settlement and, at the same time, avoid seeing the State of Jammu and Kashmir converted into a battleground for antagonistic ideologies.

118. Text of the Speech made by Mr. Barco (United States of America) in the Security Council Meeting No. 773 held on 20 February 1957

As we feared, the representative of the Soviet Union has again abused the veto power to prevent the Security Council from helping to resolve an international dispute in which the Soviet Union, presumably, has no direct interest. The Soviet representative's implication that the Security Council would be violating the Charter by authorizing its President to bear in mind the proposal by one of the parties for a United Nations force to assist in demilitarization cannot be substantiated by anything that has been said or done here. The action of the Soviet Union can have only one purpose, to perpetuate international conflict and dissension between two of Asia's great countries. The Soviet Union takes a weighty responsibility upon itself. It has blocked measures by the United Nations to

help to assure peaceful conditions in the area and friendly relations between the two States.

The Security Council has considered the Kashmir problem on many occasions since 1947. Many Members of the United Nations have served on the Council when this issue was before us. In every instance, and regardless of the membership of the Council, it has overwhelmingly approved measures to bring about a free expression of the will of the Kashmir people through an impartial plebiscite. That opinion, and those resolutions, remain valid and represent the continued sense of the Council. The resolution adopted by the Council on 24 January 1957 [S/3779], and the nine votes which our joint draft resolution has just received make this clear.

In spite of the Soviet veto, the United States hopes for progress in resolving the dispute. We believe that the parties will themselves not wish to end these discussions on the negative note of the Soviet veto. We urge them to refrain from any measures which might have the effect of increasing tension in the area. We believe that the Security Council should consider immediate action to repair the damage caused by the Soviet veto of the four-Power draft resolution. Such action would accord with its continuing responsibility to assist the parties to move towards a solution of this serious problem.

The United States, together with the delegations of Australia and the United Kingdom, therefore submits a new draft resolution which we believe would provide for helpful action in the present circumstances. This draft resolution has just been handed to the President, and I should like to read it out to the Security Council :

"The Security Council,

"Recalling its resolution of 24 January 1957, its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

"1. Requests the President of the Security Council,

the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan ; to visit the sub-continent for this purpose ; and to report to the Security Council not later than 15 April 1957 ;

"2. *Invites* the Governments of India and Pakistan to co-operate with him in the performance of these functions ;

"3. *Requests* the Secretary-General and the United Nations Representative for India and Pakistan to render such assistance as he may request [S/3792 and Corr. 1]."

This draft resolution bases itself solidly upon the long and virtually unanimous attitude of the Security Council, as expressed in its resolutions, and upon the obligations accepted by the parties under the resolutions of the United Nations Commission for India and Pakistan. It would authorize the President of the Council to discuss with India and Pakistan any proposals which have been or which may be put forward and which he thinks could help to resolve the dispute, having regard to these resolutions. In his examination of means to solve the dispute, the President would necessarily devote considerable attention to demilitarization, which is the point at which progress towards a plebiscite has broken down.

The draft resolution vetoed by the Soviet Union offered, in our opinion, the best opportunity for progress. We hope, however, that this new draft resolution will still permit the Council to take constructive action, and we urge the Council to adopt it quickly.

Sir Pierson DIXON (United Kingdom) : We deeply regret the Soviet Union veto of the four-Power draft resolution, the first veto ever cast in the long history of the Kashmir dispute. We must see what action the Council can now usefully

take with a view to making progress toward a settlement. The United Kingdom still ardently desires to see progress made. It is with these considerations in mind that the United Kingdom delegation gladly joins in sponsoring the new draft resolution which has been read out by the representative of the United States.

Under this revised draft resolution, the President of the Security Council would still be enabled to visit India and Pakistan, and he would be enabled to discuss any proposals which, in his opinion, are likely to contribute to the settlement of the dispute, having regard to the previous resolutions. He could hardly fail to discuss, amongst others, the problem of demilitarization preparatory to a free and impartial plebiscite, which has been so much in the centre of our discussion here and on which I explained the attitude of the United Kingdom this morning [772nd meeting, paras, 161 and 152].

It is my hope that this revised draft resolution will commend itself to the Council, because I am sure that the President's mission, even in its present more generalized terms, will make a great contribution to the achievement of a settlement. We have faith not only in his mission, but also in the sincere desire of the Governments and peoples of India and Pakistan to reach a peaceful settlement.

**119. Text of the speech made by Mr. Sobolev (Union
of Soviet Socialist Republics) in the Security
Council Meeting No. 773 held on 20
February 1957**

I should like briefly to explain the Soviet Union delegation's motives in voting against the draft resolution submitted by Australia, Cuba, the United Kingdom and the United States of America.

The delegation of the Soviet Union introduced three amendments to the draft resolution. As I pointed out in my principal statement [770th meeting, paras. 134 to 147], the purpose of those amendments was to eliminate from the draft resolution those provisions which were at variance

with the United Nations Charter and also a provision which was unacceptable to one of the parties concerned, India. Our contention was that the Security Council, in requesting its President to examine the situation which has arisen in connexion with the Kashmir problem, could not at the same time take a stand in its resolution on the side of one of the parties directly concerned, namely, Pakistan. Such an approach would not be objective, but would make matters extremely awkward for the President of the Security Council in carrying out his mission.

In their draft resolution, the representatives of the Western Powers have in fact attempted to make the mission of the President of the Security Council contingent on a number of provisions which are in conflict with the Charter and which have been rejected by one of the parties, India. First and foremost among these provisions is the matter of sending United Nations troops to Kashmir for the purpose of holding a plebiscite. The Charter of the United Nations, however, provides clearly and unmistakably that United Nations armed forces may be used solely for the purpose of repelling aggression and restoring international peace. The dispatch of a United Nations force to permit the holding of a plebiscite in Kashmir would be contrary to the Charter and would be insulting to the national pride of the people of Kashmir.

The Security Council cannot disregard the fact that India, one of the parties directly concerned, is categorically opposed to the idea of sending United Nations troops to Kashmir. The draft resolution of the Western Powers also completely disregarded the statements of the representative of India, *viz.* Krishna Menon, pointing out how the Kashmir situation had changed since the Security Council adopted its resolution in 1948 concerning the holding of a plebiscite. An attempt to impose upon a Member of the United Nations a solution with which it was not in agreement would foredoom the mission of the President of the Security Council concerning measures to bring about a peaceful settlement within the terms of Chapter VI of the United Nations Charter.

In presenting its amendments to the four-Power draft resolution, the Soviet delegation sincerely hoped that the co-sponsors of the draft resolution would carefully examine those amendments and take steps to reach a solution which would be acceptable to the two parties concerned—India and Pakistan—and would not tie the hands of the President of the Security Council by giving him instructions which had been rejected by one of the parties directly concerned. To a large extent, the amendments proposed by the delegation of Colombia served the same end. That was the reason why the Soviet delegation, in the interests of reaching an agreed decision, abstained in the vote on the Colombian amendments.

Unfortunately, the Soviet delegation's amendments, like those of the Colombian delegation, were rejected by the sponsors of the draft resolution and the Soviet Union was compelled to vote against the draft resolution submitted for the Council's consideration by the delegations of Australia, Cuba, the United Kingdom and the United States of America.

I can assure the members of the Council that, if it should be necessary, the Soviet delegation will again vote against any draft resolution which is contrary to the principles of the United Nations Charter.

I should add that the real aims of the sponsors of the draft resolution just rejected by the Council were revealed by the representative of the United States, Mr. Barco, just now in introducing a new draft resolution. I would say that these aims have nothing in common with co-operation between the Members of the United Nations. There was no need for a vote against or a rejection of this draft resolution, which clearly did not have the support of all the interested parties. And yet the representatives of the Western Powers pressed the matter to a vote. They had to get yet another Soviet "veto" to add to the list which they are keeping. It is quite obvious that such tactics in the Security Council are wholly at variance with the principles of the Charter, which provides that the permanent members of the Council, who have primary responsibility for the maintenance of peace and security, are, by virtue of their position, under the obligation to reach a form of agreement

which will not prevent the Council from discharging its duties but will help it to discharge them to the extent necessary for giving effect to the principles of the United Nations Charter.

I wish to repeat that the delegation of the USSR is not at all disturbed by the fact that it was compelled to vote against the draft resolution, since that text is contrary to the principles of the United Nations Charter.

**120. Text of the speech made by Mr. Walker (Australia)
in the Security Council Meeting No. 773 held on
29 February 1957**

The Australian delegation deplores the Soviet Union veto of the draft resolution which commanded nine votes in the Council. We do not agree for a moment with the remarks made by the Soviet Union representative when he suggested that the draft resolution which he had defeated was contrary to the terms and spirit of the Charter ; nor would I consider it worth spending any time in discussing his suggestion that the propose of that draft resolution was to bring about another Soviet veto. It was the deep and earnest hope of my delegation—and, I am sure, of the other delegations which supported it—that the draft resolution would be carried and would pave the way for a very useful work by our President in relation to the problem of Kashmir.

We would not wish to see the firm desire of the Council to assist toward a solution of this problem completely frustrated by the Soviet veto, and we have, therefore, joined in sponsoring the new draft resolution which has just now been circulated [S/3792 and Corr. 1].

There is general agreement in the Council regarding the value of a visit by yourself, Mr. President, and your taking up with the Governments of India and Pakistan any proposals that in your view might lead to some progress in dealing with this difficult problem. The representative of India has assured us that our President will be welcome at any time, even though the terms of his mission may have to be considered within their political context.

As the draft resolution is now drafted, it gives to the President a free hand in selecting proposals for examination with the Governments of India and Pakistan, and the draft resolution, in that way, expresses the full confidence that we have in our distinguished President to handle this particular matter.

The views of the Australian on the method of the plebiscite and on the desirability of concentrating upon reaching agreement on appropriate measures of demilitarization as a necessary preliminary have already been stated in the Council [768th meeting, paras, 52 and 53], and my delegation would hope that they would be borne in mind by the President when he undertakes this mission.

I very much hope that the Council will be able to adopt the draft resolution that has now been submitted by the United Kingdom and the United States along with Australia.

121. Text of the speech made by the President Mr. Gunnar Jarring as representative of Sweden in the Security Council Meeting No. 773 held on 20 February 1957

If no other member of the Council wishes to speak, I shall speak in my capacity as representative of Sweden.

Speaking now as the representative of SWEDEN, I wish to explain my vote. Although, obviously, I voted in my capacity as representative of Sweden, the task which would have been entrusted to me under the four-Power draft resolution, as well as under the amendments, had either one of them been adopted, would have put me personally in a special position. Thus, when I abstained in the voting, I did this on the ground that I did not want my vote to be construed in any way to prejudice my mission.

I feel convinced that my colleagues on the Council will agree with me that the new development in the India-Pakistan question will require further study and reflection. Speaking as PRESIDENT, I therefore suggest that this meeting be adjourned until tomorrow afternoon, if there is no objection.

**122. Text of the Speech made by Mr. Sobolev (Union
of Soviet Socialist Republics) in the Security
Council Meeting No. 774 held on
21 February 1957**

I should like to make a few comments on the draft resolution proposed by the delegations of Australia, the United Kingdom and the United States [S/3792 and Corr. 1].

In view of our general position on the Kashmir problem, which we have already explained in the Security Council, we accept the basic idea of this draft resolution, which is that the President of the Security Council should be requested to visit India and Pakistan and to negotiate with the Governments of those countries with a view to finding a solution of the Kashmir problem acceptable to both sides.

The text of the three-Power draft resolution is superior to the original four-Power draft [S/3787]. Under the terms of the revised draft, the President of the Security Council will, in the exercise of his task, not be hampered by provisions which have proved unacceptable to one of the parties and would doom his mission to failure. We are bound to note that the reference to previous Council resolutions in the three-power draft resolution may render Mr. Jarring's negotiations with the Governments of India and Pakistan more difficult; our present attitude should not be based on resolutions adopted many years ago but on the realities of the international situation and the existing conditions in the region concerned.

It must not be forgotten that our problem is the pacific settlement of the Kashmir question in keeping with Chapter VI of the United Nations Charter, which provides for the pacific settlement of disputes and excludes any measures of compulsion and any attempt to impose on one of the parties solutions unacceptable to it. The reference to previous Council decisions which, as will be readily understood, are not acceptable to the Government of India, may therefore render the task entrusted to the president more difficult.

We would draw attention to the circumstances in which the representatives of the United States, the United Kingdom

and Australia introduced their new draft resolution. In the course of the previous discussions the delegations of those countries rejected the amendments proposed by the Soviet Union and by Colombia to the four-Power draft resolution. In effect, these delegations thus refused to co-operate in the preparation of an acceptable Security Council resolution capable of promoting a solution of the Kashmir problem. They refused to take into account the legitimate interests of one of the parties. Thus the impression was created that the sponsors of the four-Power draft did not wish to take India's position into consideration and that they are seeking to impose on India a decision unacceptable to any sovereign State.

In their statements, the representatives of the United States, the United Kingdom and Australia attempted to present the Soviet position in an unfavourable light, to throw doubt on the sincerity of the Soviet delegation's desire to find a just settlement of the Kashmir problem. There is no need to refute such insinuations. The Soviet delegation is not unduly concerned at the clamour with which the representatives of the Western Powers usually greet the casting of our vote. In the eyes of all those who sincerely wish for the peaceful settlement of unresolved international problems, talk about the alleged misuse of the veto cannot conceal the fact that our delegation has taken up a position of justice, that it always advocates decisions in keeping with the interests of the peoples concerned and with the principles of the United Nations Charter.

The method of mechanically voting in favour of resolutions which are known to be unacceptable to one of the parties concerned is unsuitable for the work of the Security Council, particularly in cases concerning the peaceful settlement of a problem.

In conclusion, I should like to say that the delegation of the Soviet Union, while discerning serious shortcomings in the three-Power draft resolution, will not oppose its adoption, in the sincere hope that the conversations of the President of the Security Council with the Governments of India and Pakistan may yield a positive result and lead to the resumption of direct negotiations between the two Governments concerned.

The Soviet delegation will abstain in the vote on the draft resolution.

**123. Text of the Speech made by Mr. Jawad (Iraq)
in the Security Council Meeting No. 774 held on
21 February 1957**

The submission of a new draft resolution by the delegations of Australia, the United Kingdom and the United States clearly shows the deep desire by the Powers concerned to lay down a basis for a settlement of the Kashmir dispute and the spirit of realism shown with regard to the urgent need for taking positive steps with a view to lessening the tension in the region and to establishing conditions of a durable peace. We highly appreciate the spirit which motivated the three Powers in trying to prevent a break in the continuity of the search for a solution of the Kashmir dispute. We believe that the new step which has been taken by the three Powers expresses a desire for progress by those who are anxious to see a rapid settlement of the dispute. It also reflects their conviction that there is an urgent need to bring the two parties together, thus promoting conditions for peace in that general region.

The draft resolution is characterized by its spirit of conciliation and realism. Its general terms offer a great opportunity for taking the different points of view into account, while at the same time it leaves ample latitude for the President of the Council to make an appraisal of the situation as it appears at the present time. This approach will still permit the Council to take appropriate action in accordance with its previous decisions and in the light of the findings of its President.

The central point in this draft resolution which deserves special emphasis is that it will enable the President of the Council to examine, with the Government of India and Pakistan, any proposal which might, in his opinion, contribute to a settlement of the dispute. The assistance and collaboration of the two Governments concerned is therefore extremely important, and it is to be hoped that such assistance will be

provided in the spirit of the Charter and without any reservations. We have every reason to hope that the two Governments will avail themselves of this opportunity to demonstrate, in acts as they have done in words, their desire to settle their differences in the interests of their peoples and the people of Kashmir, in conformity with the principles of law and justice. Since this draft resolution has, so to speak, been freed from all elements to which objection has been raised by one side or another, we sincerely hope that it will receive the assent of the Council.

**124. Text of the Speech made by Mr. Romulo
(Philippines) in the Security Council
Meeting No. 774 held on
21 February 1957**

For the purposes of the record, I wish to state that at the previous meeting the representative of India made this statement :

"The representative of the Philippines makes a fundamental error, which he could easily rectify if he read the resolutions of the Commission. He says that the resolution places both parties on the same basis. That is exactly what it does not do." [773rd meeting, para. 68]

This is what I said :

"Moreover, if the letter addressed to the President of the United Nations Commission on 20 August 1948 by the Prime Minister of India is mentioned by the Colombian amendment in order to incorporate the clarifications of the Commission to the Government of India, it is believed that a similar reference should be made to the clarifications of the Commission to the Government of Pakistan, so that the two Governments could be placed on an equal footing vis-a-vis the two resolutions of the United Nations Commission" [*Ibid.*, para. 35.]

I emphasize the words: "could be placed on an equal footing". I did not make the statement attributed to me by the representative of India.

Speaking now on the draft resolution before us, my delegation cannot but deplore the fact that at the 773rd meeting the Soviet Union used its veto. That the Soviet delegation might disagree with other members of the Council should be expected, but in a matter where the common position seems to be that agreement between the parties to the dispute should be encouraged. It is believed that a member is under an obligation not to stand in the way of a consensus in the Council as to how agreement between the parties might be promoted. Since the lone vote of the Soviet Union has prevented the carrying out of the majority vote of the Council—and it was not a mechanical vote—it behooves us to make another try. It would seem that members of the Council have first to achieve unanimity before they can expect to secure agreement between the parties.

My delegation is therefore in full agreement with the initiative shown by Australia, the United Kingdom and the United States in submitting another draft resolution. Understandably, the remaining members of the Council cannot yield to all the demands of the Soviet Union. If there is to be any *modus vivendi*, the Soviet Union must yield part of its position if the other members are also to yield part of their position. I am happy to note, after listening to the statement just made by the representative of the Soviet Union that he does not object to the draft resolution now before us. It is in that spirit that my delegation announces its support of the draft resolution which is before us today [S/3792 and Corr. 1].

My delegation sincerely believes that the draft resolution should not give rise to serious controversy. After all, it is founded on previous resolutions of the Council. The least that we can do or should do is to show some respect for the decisions of the Council. It is recalled that the Soviet Union has never before, by its veto or by its vote, opposed those resolutions of the Council. It is plain that the draft resolution

does not mention the Pakistan proposal for the use of a temporary United Nations force in the State of Jammu and Kashmir. My delegation still believes that the proposal could reasonably be expected to achieve demilitarization, that it is not only not contrary to the Charter but consistent with the purposes and principles of the United Nations.

My delegation will have the honour to vote for the present draft resolution in order to allow this Council to move forward to the liquidation of the Kashmir dispute. We have remained virtually at a standstill on this question and we are bound to suffer a great loss of prestige in world public opinion. The time to act is now. We cannot allow the Kashmir problem to fester like a sore; we must have action, and at a further step we have the duty to adopt this resolution unanimously.

**125. Text of the Speech made by Mr. Tsiang (China)
in the Security Council Meeting No. 774 held
on 21 February 1957**

It now appears that this present draft resolution introduced by Australia, the United Kingdom and the United States will be passed by this Council. My delegation will certainly vote for it. Before we pass to the vote, I wish only to say a few words in regard to this draft resolution.

So far we have not heard any criticism of this draft except a mild criticism, if I understand aright, in regard to the recalling of past resolutions and also in regard to that phrase "having regard to the previous resolutions of the Security Council". So far as my delegation is concerned, if we should omit the creature of the draft resolution I will still vote for it. I do not attach much importance to the reciting of past resolutions. Even if we should not follow our past resolutions, we certainly will follow the Charter. I think the Charter is a sufficient basis for an appropriate settlement of this dispute.

The particular principle which would be applicable to this dispute would be the principle of self-determination of peoples.

If any party should wish the Council to start all over again and wipe off the slate any previous resolutions we have passed, I am agreeable. I would be glad to start all over again and go back to the fundamental principles of the Charter. I believe with the Charter in hand we could find an appropriate solution.

Now, however, we take the draft resolution as it stands. This draft resolution leaves considerable discretion to you, Mr. President. I do not envy you the task that you are assuming. I anticipate, and I am sure you anticipate, a hard and difficult assignment and journey.

A strange feature of this whole dispute from 1948 to the present time is that we started with an agreement, namely, that the question should eventually be decided through a free and fair plebiscite. Our efforts have been hampered, blocked and even balked by the conditions preliminary to a plebiscite. It is this question of conditions that has prevented any fruitful action. To my mind, there are two kinds of conditions that we can face—and in fact we have faced two types of conditions. One category of conditions determined by one State or another relates to the freedom and fairness of the plebiscite. One party or the other is anxious or worried that unless a certain condition is fulfilled the plebiscite will not be free or fair. So far as conditions of that category are concerned, conditions which aim at increasing the freedom and fairness of the plebiscite, I think the Council and I am sure the President will be very sympathetic in considering them. Indeed, it is the duty of the President and the members of the Security Council to consider sympathetically any condition which would make the plebiscite fair and free.

However, in the course of our deliberations during the last nine years, we have had to face another category of conditions, conditions which have nothing to do with the freedom or fairness of the plebiscite but which are aimed at weakening or strengthening the existing claims of one party or the other. It seems to me that that type of condition does not deserve consideration. We cannot afford to write into the conditions of the plebiscite speeches that would strengthen or weaken the

claims of one party or the other. We would and we should accept conditions which contribute to the freedom and fairness of the plebiscite.

This draft resolution leaves you, Mr. President, ample discretion. So far as my delegation is concerned, we have every confidence that you will exercise your discretionary powers with wisdom.

126. Text of the Speech made by Mr. Graham (United Nations Representative for India and Pakistan) in the Security Council Meeting No. 774 held on 21 February 1957

I wish, Mr. President, to give you my co-operative and loyal good wishes for your most important mission. I congratulate you on the opportunity to negotiate with the Governments of two great peoples whom I not only respect, but, if I may say so, have come to love for themselves—their history, their heritage, their heroic struggles with gigantic problems and yet, withal, with a joyous and youthful hope.

I congratulate the Council on your acceptance of this mission, Mr. President, for which you are by ability, experience and disposition so eminently qualified and to which you bring the prestige of the office of President of the Security Council itself. Godspeed to you on your mission, to the efforts of the Security Council, to the co-operation of the two Governments with you and to the untiring work of an ably led and dedicated Secretariat, as they all work together and stand firm on the moral foundations of the life and values of the United Nations in this time of hazard and hope.

The Member States of the United Nations must apply, with equal justice under the Charter, the principles of the United Nations to all nations, large or small, friend or foe, east or west. Problems, situations, disputes, cases on the agenda of the United Nations have their ups and downs and come and go, but the United Nations goes on, deep in the minds and hearts of the people as they do their day's work and pray and

hope, in the great adventure of building a freer and fairer peaceful world for all peoples in all lands.

**127. Text of the Speech made by Sri Pierson Dixon
(United Kingdom) in the Security Council
Meeting No. 774 held on
21 February 1957**

As I said at the previous meeting, the United Kingdom ardently desires to see progress made towards a settlement of the Kashmir problem. I am convinced that the resolution we have just adopted will contribute to this end.

We have faith in the mission which you, Sir, are undertaking. We have the fullest confidence in the wisdom and experience which you bring to it. We have confidence in the country from which you come, with its traditions of peace and justice. We have confidence in the authority of this Council which goes with you in this task.

To aid you in your task, you will have the great experience, wisdom and understanding of the United Nations Representative for India and Pakistan, Mr. Frank Graham. We have admired his untiring efforts since he was appointed by this Council in 1951, his patience and his skill in negotiation. It is a matter of the deepest regret that all his painstaking toil, which seemed at one time to hold so much promise for a settlement, has not come to full fruition, but it has not been without fruit, and the detailed experience that he has acquired in his dealings with this matter has not been in vain, for this experience is still able to contribute—indeed, I feel sure it will be an invaluable contribution—to the mission which you, Sir, are undertaking under this resolution.

**128. Text of the Speech made by Mr. Lodge (United
States of America) in the Security Council
Meeting No. 774 held on
21 February 1957**

Mr. President, the United States appreciates your willingness to accept the assignment that the Security Council has

asked you to undertake. We hope that your understanding of the peoples of India and Pakistan and your experience in the United Nations will enable you to make some real progress towards solving this dispute.

We think that the resolution which has just been adopted will give you enough scope and enough guidance. The consensus of the Council on the major problems involved was expressed in the draft resolution [S/3787] which failed at the 773rd meeting only because of the Soviet veto. It would have been more satisfactory if the specific ideas embodied in the four-Power draft resolution could have been kept, but the resolution that the Council has now adopted does not retreat from those ideas. Nor are the facts changed by the Soviet veto. You are authorized to consider any proposals which might help solve the problem, having regard to the pertinent resolutions. We trust that your mission will be of great help to India and Pakistan as well as to the Council.

The fact that you will be able to draw upon the extensive experience and the ability of Mr. Frank F. Graham - who, may I say, has just made a noteworthy statement—should make it possible for you to function effectively in a short period. Mr. Graham will be able to make a contribution which, it seems to us, no one else could make. The Council is lucky that he is available to help, and we appreciate his offer of co-operation.

**129. Text of the Speech made by Mr. Jarring (Sweden)
in the Security Council Meeting No. 791 held
on 24 September 1957**

Mr. President, first of all I want to thank you for the kind words you have addressed to me. I appreciate them very much.

In its resolution of 21 February 1957 [S/3793] the Security Council requested me, in my capacity as President of the Council for the month of February, to examine with the Governments of India and of Pakistan any proposals which, in my opinion, were likely to contribute towards the settlement of the India-Pakistan dispute, having regard to the previous resolutions

of the Security Council and of the United Nations Commission for India and Pakistan. I was furthermore requested to visit the sub-continent for this purpose and to report to the Security Council not later than 15 April 1957.

In pursuance of this resolution I visited India and Pakistan during the months of March and April and had conversations with the two Governments.

My report, which is contained in document S/3821, was submitted on 29 April 1957. I want to express my thanks to my colleagues on the Council for their kindness in granting me an extension of the time originally set for the presentation of my report.

I do not feel that it will be necessary for me to give an oral presentation of the contents of my report or to elaborate upon it. The text has been at the disposal of the members of the Security Council and the parties concerned since 29 April 1957 and it is well known to everybody.

The submission of my report to the Council terminates my duties under the Security Council resolution of 21 February 1957.

I take this opportunity to thank once more the members of the Council for the confidence they have placed in me. I likewise express to the Governments of India and of Pakistan my appreciation for the cooperation I have received in the performance of my task.

**130. Text of the Speech made by Sir Pierson Dixon
(United Kingdom) in the Security Council Meeting
No. 797 held on 25 October 1957**

I should like first to express the deep appreciation of my Government for the able and conscientious way in which the representative of Sweden, our President for the month of February, has carried out his mission.

It is true that Mr. Jarring felt unable to report to the Council any concrete proposals likely to contribute towards the settlement of the dispute; nevertheless, I hope that his report

will prove to have a special significance in marking the beginning of a new phase of constructive progress under the auspices of the United Nations towards a settlement of the Kashmir problem, which has troubled the sub-continent for the last decade.

Her Majesty's Government in the United Kingdom attaches the greatest importance to Mr. Jarring's conclusion that, despite the present deadlock, both parties are still desirous of finding a solution to the problem, and to the expressions of sincere willingness which they made to co-operate with the United Nations in the finding of a peaceful solution. Although in both countries popular feeling has been very deeply engaged on this issue, both countries have in fact shown great patience and given proof of their desire to avoid the danger of a military clash.

Since so much depends on the willingness of both parties to seek earnestly for a solution of the problem which faces them, we have always attached particular importance, as I said on 15 February 1957 [768th meeting, paras 17 and 18], to the Security Council resolution of 17 January 1948, which, among other things, called upon both parties to take immediately all measures within their power to improve the situation. I am glad that the representative of India, in his speech at the 195th meeting, accepted this resolution as engaging India, together with the two resolutions of the United Nations Commission for India and Pakistan.

For these reasons, too, we attach the greatest importance to both the letter and the spirit of part I, paragraph E, of the resolution of 13 August 1948 [S/1100, para 75]. Mr. Jarring reported the Government of India's emphasis on the failure to implement this section as one of the factors in the way of implementation of the two resolutions. I should like to repeat the wording of this paragraph because of the importance we attach to it: it says that the two Governments "agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations." But in my view paragraph E must be interpreted even more widely than that. To my mind it requires a continuing

effort on the part of both Governments, and an effort which should animate them in their whole handling of the situation. For this reason we deplore charges like that of genocide being made in this Council.

We regard with great concern the recent bomb incidents in Srinagar, and we were glad to hear the Foreign Minister of Pakistan deny categorically that the Pakistan Government knew anything of them. My Government strongly holds that terrorist activities can only complicate difficult problems of this kind.

In general, therefore, I would wish to appeal to both India and Pakistan to do their utmost, in the words of part I, paragraph E. of the resolution, "to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations."

What other impediments to progress did Mr. Jarring report? He said that the Government of India felt aggrieved that the Council had so far not expressed itself on the question of what in its view was aggression committed by Pakistan on India.

The views of the United Kingdom Government on this question are well known to this Council and to the Governments of India and Pakistan. They were set out by Sir Alexander Cadogan at the 467th meeting and by Sir Gladwyn Jebb at the 537th, the 539th, the 606th and the 611th meetings of the Council. The consistent attitude taken on this point in the past by the Security Council is also well known.

I do not feel that it would contribute to progress if we were to go over this ground again. This much, however, I would say: since neither Her Majesty's Government nor the Security Council has felt able to pronounce on the Indian case on this aspect of the question, and since this is, so to speak, the major premise in the Indian argument as developed by Mr. Krishna Menon, it follows that we are unable to accept many of the deductions which have been drawn, however logically they might seem to ensue if the major premise were accepted.

It seems to me that the more fruitful way of making progress is to fasten on those points where there is some area of

agreement between the parties and to see whether progress can be made from those points. Clearly, we have to admit that there has been little progress over the last nine years towards the goal contemplated in the two resolutions adopted by the Commission—that is, a decision as to the future of the State by means of an impartial plebiscite. Mr. Jarring was aware of the grave problems in connexion with and as a result of a plebiscite. The United Kingdom Government, which stood so close to the convulsive events of 1947, cannot fail to be deeply conscious of these problems, which have grown no less with the passage of time. But what is needed above all in order to remove the obstacles to a settlement is a willingness to find a peaceful solution. Both parties, as I have said, have expressed such a willingness to Mr. Jarring. Given this willingness, I do not doubt that the wisdom and statesmanship of the parties is sufficient to enable progress towards a solution of the Kashmir problem to be found.

Mr. Jarring referred also to the emphasis which the Government of India put on their view that part I, paragraph B, of the resolution of 13 August 1948 had not been implemented by the Government of Pakistan. There is a grave difficulty here, too. In this paragraph, both High Commands agree to refrain from taking any measures that might augment their military potential. This is clearly an important preliminary to the next stage—the stage of the withdrawal of the troops of Pakistan and the withdrawal of the bulk of Indian forces, to which both sides stand engaged. Clearly, there is a connexion between augmentation and the removal or reduction of forces. Augmentation makes removal or reduction more difficult. Removal or reduction does away with any further problems about augmentation.

It was originally contemplated that the three parts of the resolution of 13 August 1948 should be implemented in quick succession; and, as early as 1949, the Commission for India and Pakistan was pointing out the difficulties arising from delay. Undoubtedly the passage of time has added to the difficulties about the implementation of paragraph B. In the further eight years since 1949, new difficulties have arisen. Armies

have become more efficient ; old equipment has been replaced ; new roads have been built on both sides.

If I understood Mr. Krishna Menon aright, he was concerned with what is in the resolution—the principle that forces should not be augmented after the cease-fire—and with something that is not in the resolution ; that is, the question of "Azad" Kashmir forces. The Commission did not explicitly deal with this latter point. Now these are very real problems ; and the Security Council must be deeply concerned at any augmentation of military potential on either side.

Certainly we regret that Mr. Jarring was unable to suggest a means of dealing with the subject acceptable to both sides. But we must do more than try to ascertain the facts ; we must try to find some method of reducing the state of tension, of reducing the burden of armaments and of dealing effectively with a situation which has become crystallized in a form never contemplated when the resolutions were passed. What helpful action, then, can be taken ?

Since 1949 the Security Council has, as I pointed out at the 768th meeting, attached the greatest importance to demilitarization, and it directed its efforts, until the phase of direct negotiations began, towards achieving progress in that direction. Surely, this is the right approach.

Both the representative of India and the representative of Pakistan have referred to the heavy burden of armaments. The cost of this continuing tension has been made apparent to us all. Mr. Krishna Menon and Mr. Firoz Khan Noon have both made it clear how greatly their countries would prefer to devote as much of their resources as possible to peaceful development. And we all know how much easier and more economical development in the area would be if it could be planned on a basis of co-operation.

After ten years the compelling arguments for making progress towards demilitarization are stronger than ever before. The Security Council cannot ignore all the patient work and endeavour which has gone into attempting to make progress over the years. Although Mr. Graham's labours five years ago did not get beyond the edge of success ; although the direct

talks four years ago were successful ; although the Government of India has stated that it does not regard itself as bound by any previous conditional agreements, yet I cannot believe that there are insuperable obstacles to progress on the withdrawal of troops starting from the Pakistani side.

In some ways, time and change make implementation of the agreements, as Mr. Jarring has said, more difficult. But there is a reverse side to the coin ; in other ways difficulties may become less acute.

I cannot but think that the compelling reasons for making progress are such that, if a United Nations representative is able to begin conversations with the two parties and they enter upon them with a determination, in both of their interests, to make such advance, progress will in fact be possible. I believe that Mr. Graham could again play a useful role in this

To sum up, I would first wish to appeal to both sides to do their utmost to create an atmosphere favourable to the promotion of further negotiations. I would also appeal to them to agree to an investigation as regards the facts concerning the augmentation of forces. But I would go beyond that and urge that both sides should again attempt to make some progress towards the implementation of part II of the resolution adopted by the United Nations Commission for India and Pakistan on 13 August 1948. There is no question here of interfering with national sovereignty, and no question of arguing for any change of national defence policies. It is a question of carrying out international obligations by which both sides are engaged.

There are those who suggest that the United Kingdom, as a member of the Commonwealth, should avoid being involved in discussions in the Security Council about the Kashmir questions, since to do so is inevitably to attract criticism from both sides. I need not explain to members of the Council what importance we attach to our relations with India and Pakistan. If we could, we would gladly avoid any action which might give offence to either of them or in any way impair our relations with either country.

Nevertheless, we have a duty as a permanent member of the Security Council and we cannot shrink from playing our part in trying to find a settlement of this dispute which, in the words of the Security Council's second resolution, that of 20 January 1948 "might, by its continuance, endanger the maintenance of international peace and security". [S/1100, annex 1.] So long as this tension continues, not only will it have a profound effect on the lives and fortunes of some 500 million people in the sub-continent, but it cannot fail to have its effect on the international policies of both countries. The Kashmir problem affects not only India and Pakistan, it is of concern to the whole world. The reasons for attempting yet once more to make progress towards its settlement are compelling.

I have confidence in the statesmanship and wisdom of both India and Pakistan. I have confidence that this problem will be solved—because it must be solved.

131. Text of the Speech made by Mr. Wadsworth (United States of America) in the Security Council Meeting No. 797 held on 25 October 1957

Last February the Council gave to one of its members—Ambassador Jarring—a delicate and important task. I want to express the appreciation of the United States delegation for the outstanding manner in which he carried it out. We are fortunate to have the benefit of his review of this highly complex question. It cannot fail to help the Council decide how it can best aid in finding a settlement acceptable to both parties. There was a long interval in the Council's consideration of this question between December 1952 and January 1957. Ambassador Jarring's recent discussions with Pakistan and India shed light on the current problems and help us view the situation in perspective.

We find one aspect of Ambassador Jarring's report particularly encouraging. Both parties have again declared their desire to find a peaceful solution to the problem and have again declared their willingness to co-operate with the United

Nations to this end. More recently they have given the Council the same assurances. In this atmosphere the Council should continue, therefore, to assist the parties in finding a just and equitable solution to this long-standing and difficult problem.

I should like to turn now to the specific situation with which the Council is confronted.

It may be useful at the outset to recapitulate the main lines of Ambassador Jarring's report, because it is from that report that our current sessions start. The representatives of India and Pakistan during our discussions early this year indicated that they continue to recognize their international obligations under the resolutions adopted by the United Nations Commission for India and Pakistan on 13 August 1948 [S/1100, para. 7c] and 5 January 1949 [S/1196, para. 15]. Ambassador Jarring therefore based his mission on these statements of the parties, and he made it his task to explore what was impeding the implementation of the resolutions.

He tells us that the Government of India laid emphasis on two restraining factors, one relating to the "cease-fire order", the other to the "truce agreement". India further stated that it was premature to discuss the implementation of those parts of the 1948 resolution dealing with the truce agreement and the plebiscite until the cease-fire order was fully implemented. The Government of Pakistan, on the other hand, maintained that the "cease-fire order" had been implemented by it in good faith and in full. It believed that the time had come to proceed to the implementation of the "truce agreement". In order to break this deadlock, Ambassador Jarring asked if the Governments would be prepared to submit to arbitration the question of whether the "cease-fire order" had been implemented. The Government of Pakistan accepted this in principle; the Government of India did not feel that, as explained, arbitration would be appropriate. Ambassador Jarring was unable to break the deadlock and reported back to the Council.

We have now heard statements in the Council by the representatives of India [795th and 796th meetings] and of

Pakistan [791st and 796th meetings]. My delegation has given the most careful study to these statements. In so far as they were related to the Jarring report, they seem to be further elaborations of the positions which are reflected in the report. Other issues and suggestions were also raised in their statements, on a number of which there significant disagreements. So this is where the Council finds itself at the moment, and we are faced with the problem of selecting the most useful basis on which to proceed.

The present case is different from that of many problems which are brought before the Security Council : we are fortunate in having an area of agreement—and a large one—between the parties and with the Council. There are, of course, many complexities to the Kashmir question, and I do not in any way wish to minimize the difficulties lying in the way of reaching a final solution. We would delude ourselves if we did so. Nevertheless, there does exist in the resolutions adopted by the United Nations Commission for India and Pakistan an agreement for resolving this conflict. That agreement calls for the following action : first, for a cease-fire order ; second, for a truce agreement ; third, for the accession of the State of Jammu and Kashmir to India or to Pakistan to be decided through the democratic method of a free and impartial plebiscite. These are the basic elements of the Commission's resolutions, which both India and Pakistan accepted, and which the Council has repeatedly endorsed. They are obligations which have been recognized by the parties for nine years. And both parties have reaffirmed their recognition of these obligations before the Council this year, as Ambassador Jarring pointed out in his report. Under these circumstances the Council's most constructive contribution will undoubtedly be to help implement the resolutions.

This, indeed, has been the primary task to which the past efforts of the Council and its agents—the United Nations Commission for India and Pakistan and the various representatives who have been sent to the sub-continent—have been directed for many years. In our view the Council's most useful role at this time continues to be to proceed on the basis of this

area of agreement, to seek to enlarge upon it and to make it finally a reality.

May I recall that on 15 February 1957 Ambassador Lodge stated in our previous discussion on this issue :

"The Security Council's overriding endeavour in connexion with Kashmir has always been to secure an amicable settlement acceptable to both parties. In doing this, it has sought to build the gains which have been made in the past and upon agreements which have been reached by the parties." [768th meeting, para. 26].

My delegation continues to believe that this is the best approach.

On what aspects of the Commission's resolutions do we need to make progress? We need, for one thing, to make progress towards demilitarization, or the implementation of the truce agreement. This has been the focus of every resolution of the Council since 1950. Most of Mr. Graham's work has also been concentrated on it. Prior to his last report, in fact, he was requested by the Security Council to enter into negotiations with the parties to reach final agreement on the specific number of forces which should remain on either side of the cease-fire line within limits the Council had previously set. Mr. Graham submitted his report on this effort on 27 March 1953 [S/2967]. Although he had put forward precise proposals, he did not succeed in reaching full agreement with the parties at that time, so that this important aspect in implementing the resolutions remains before us.

I suggest that efforts to bring this about, and to achieve agreement on the forces to remain on each side of the cease-fire line, should be an important aspect of any further action we take. Surely, a reduction in the number of troops in the area would in itself be a forward step in improving relationships.

Secondly, there are the questions which have been raised about the status of implementation of the "cease-fire order". Attention has been paid by both the Indian and Pakistani representatives in the Council to previous reports which touch

upon this question, especially to Mr. Graham's third and fifth reports. A considerable portion of Ambassador Jarring's report also deals with his arbitration proposal on the question. In the light of this background it would seem desirable that the Council include this as one of the issues on which it might take some action. An appropriate resolution might include an authorization for recommendations to be made on the "cease-fire order" if they should seem necessary.

The achievement of these objectives, requiring as it would the positive support and agreement of both India and Pakistan, is not easy. I do not suggest that we can complete the process at this session of the Council. In our opinion we need again to call for assistance.

Fortunately, the United Nations has retained the services, as the United Nations representative for India and Pakistan, of Mr. Frank P. Graham. It would seem appropriate to us if the Council were to call upon him to consult again with the parties in order to bring about implementation of the agreements concluded under the Commission's auspices along the lines I have indicated. No one possesses a more intimate knowledge of the background and facts of this problem than Mr. Graham, and I am confident that he can perform another valuable service for the Council and, more importantly, for India and Pakistan. I am hopeful that if the Council decided to take this action, India and Pakistan would agree to receive him and to consult with him in good faith in an effort to reach an early agreement.

In closing I would like to say this: one of the Council's overriding responsibilities on all questions is to maintain peace and security. Its efforts in this case to help the parties implement their commitments are based on a sincere desire to achieve stability and friendly relations between these two important countries.

In its first resolution, that of 17 January 1948, the Security Council called upon India and Pakistan "to refrain from making statements and from doing or causing to be done or permitting any acts which might aggravate the situation". Again in its first resolution, the United Nations Commission for India and

Pakistan also called on the parties "to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiation" [S/1100, para, 75]. These requests, as well as others that the Council has adopted from time to time, are as pertinent today as when they were adopted. We call them again to the attention of India and Pakistan, both of whom have expressed their intention to conform to these principles.

We believe that a final solution to this problem can only be of benefit to both parties. It is in this spirit that I have spoken. We have concentrated on the favourable aspects of the issue in the hope that we may encourage progress towards its solution and an improvement in relations between these two great Asian countries.

We have made our comments in the hope that they will assist in finding a way to end the frustrations that have hitherto beset every effort to bring about a permanent and peaceful solution of this problem. We do not and should not despair at these difficulties. We should patiently and persistently continue our efforts until mutual agreement can be reached and issues resolved, and we believe that every constructive step towards a solution of this problem contributes to the maintenance of peace and stability.

We would appreciate hearing the views of other members of the Council with regard to these important matters.

**132. Text of the Speech made by Mr. Tsiang (China)
in the Security Council Meeting No. 797 held on
25 October 1957**

The occasion for the present series of meetings on the Kashmir question is the report (S/3921) of Mr. Gunnar Jarring, the representative of Sweden, submitted on 29 April 1957 in pursuance of the Security Council's resolution of 21 February 1957 (S/3793).

I wish first of all to express to Mr. Jarring my delegation's deep appreciation for his excellent performance of a very difficult mission. When, on 21 February 1957, the Security

Council decided to send Mr. Jarring to India and Pakistan, I stated in the Council that I did not envy him the task that had been entrusted to him. I added that I anticipated—and I was sure that he also anticipated—a hard and difficult assignment. (774th meeting, para. 62.) My appreciation of his performance states in spite of the lack of results.

According to the report, Mr. Jarring made the two resolutions adopted by the United Nations Commission for India and Pakistan on 13 August 1948 and 5 January 1949 the starting point—indeed the centre—of all his efforts. His reason was that these two resolutions were the only ones which both India and Pakistan regarded as binding on them. The resolution of 5 January 1949, the Council will recall, had as its central point the holding of a free and impartial plebiscite to decide on the question of the accession of the State of Jammu and Kashmir either to India or to Pakistan. The resolution of 13 August 1948 fixed the procedure preliminary to a plebiscite. Part I of that resolution had to be implemented before action on part II could be taken. Pakistan has always contended that part I has been implemented; India, on the other hand, has contended that part I has not been implemented.

Mr. Jarring, in his mission to India and Pakistan, made a great effort to remove this difference of opinion between India and Pakistan. I consider his efforts on this point to be the heart of his mission. For that reason, and in order to avoid any misunderstanding, I should like to read out verbatim paragraphs 17 and 18 of Mr. Jarring's report :

"17. In order to break the deadlock concerning part I, I inquired of the two Governments if they would be prepared to submit the question of whether part I had been implemented or not to arbitration. In substance suggestion to the two Governments did not envisage simple arbitration, but the arbitrator or arbitrators would also be empowered, in case they found that the implementation had been incomplete, to indicate to the parties which measures should be taken to arrive at a full implementation. It was also envisaged that in the latter case after a

given time-limit the arbitrator or arbitrators would determine whether the given indications had been followed and implementation did obtain.

"18. Being aware of the earlier negative attitude of the Government of India on the question of arbitration with relation to the Kashmir problem as a whole, I made it a point to explain to it that I was not suggesting anything of that nature, and that what I was proposing, while termed arbitration, in all likelihood would be more in the nature of a determination of certain facts which, in the Indian view, were incontrovertible. In addition, the procedure suggested might lead to an improvement in India-Pakistan relations in general, a development which I assumed could not be unwelcome to either of the two countries." (S/3821, paras. 17 and 18.)

In the opinion of my delegation, Mr. Jarring's suggestion for removing the difference of opinion between India and Pakistan, in relation to Part I of the resolution of 13 August 1949, was objective, realistic and constructive. It is in harmony with the ideals and practices of the United Nations. Unfortunately, while Pakistan accepted this suggestion, India rejected it. This is the reason for the failure of the Jarring mission.

During our meetings in January and February, the Foreign Minister of Pakistan put before the Security Council another suggestion which many members of the Council, including myself, considered to be very constructive (761st meeting, para. 112). It was included in one of the draft resolutions put before the Council. (S/3787). The suggestion was that a United Nations force should be sent to Kashmir. It is obvious that, during the plebiscite, peace and order in Kashmir must be maintained. It is also obvious that any national forces, whether from India or from Pakistan, or from both, stationed in Kashmir during the plebiscite period would be suspected of coercing or intimidating the voters. Our problem is, therefore, to maintain peace and order in Kashmir without any appearance

or possibility of coercion or intimidation of the voters. I cannot conceive of a solution better than that of the use of a United Nations force for this purpose. This proposal made by the Foreign Minister of Pakistan was also rejected by India.

In our meetings in February and also in our recent meetings we have been given long and complicated expositions of the Indian Constitution and of the legal position of India in Kashmir. Since I am not versed in these questions of law, I do not presume to judge on the legal claims which India has put forward. I do not dispute or affirm these claims. There is, however, one great consideration which I should like to put before the Council.

All colonial empires have the backing of law. All of them have been fortified with treaties, conventions, protocols, agreements and what not. The British empire in India had ample legal foundation. In the face of India's claim to self-determination, all British legal claims were swept aside. These claims were solidly based on treaties duly signed and ratified, and even sanctified by time and tradition. When the Indian people demanded self-determination, the legal documents in the hands of the United Kingdom seemed to have no moral or political relevance. What the Indian people demanded and won from the United Kingdom should, I hope, be granted to the people of Kashmir.

In one of my previous interventions in this Council I called attention to the fact that, in the post-war period, Asia, for the first time in its history, has had the possibility of building up a community of free and friendly States. We have the possibility even of improving upon the international practices in some other parts of the world. [765th meeting, para, 58.] Now we face the tragic situation in which India refuses to grant to a fellow Asian people—that is, the people of Kashmir—the same rights which India demanded and won from the British people. I hope that India will yet reconsider.

In regard to the essence of the problem I have only two points to make. One is that the principle of a free and fair plebiscite should be applied. My second point is that all the conditions preliminary to a plebiscite, which India or Pakistan

may demand in order to make the plebiscite really free and fair, are legitimate and worthy of our consideration. All other conditions, which are calculated either to strengthen or to weaken claims and pretensions of either side are simply obstructionist and illegitimate.

**133. Text of the speech made by Mr. Khalaf (Iraq)
in the Security Council Meeting No. 797
held on 25 October 1957**

Mr. President, allow me first of all to convey to you the regret of the permanent representative of Iraq, Mr. Jawad, at not being able to be present at this meeting. Other Official duties have kept him in Geneva for a short period. This, of course, has brought on me the honour and duty of presenting my country's point of view before this Council.

It is my privilege and pleasure to congratulate Mr. Jarring on the efficient way in which he has executed the mission entrusted to him by the Security Council. My delegation wishes to express to him its deep appreciation of his sincere and earnest endeavour for a settlement of the Kashmir dispute. Mr. Jarring's report, with its brevity, is an accurate and concise document which leaves no doubt as to the character of the stalemate which if permitted to continue, might lead to further undesirable complications and, to a rift between India and Pakistan. My delegation, on the other hand, notes with satisfaction that Mr. Jarring is of the opinion that "both parties are still desirous of finding a solution to the problem" [S/3821, para. 22]. These two facts leave no doubt that further efforts are required to narrow the gap between the two parties to the dispute by the removal of the obstacles which stand in the way of a settlement.

The Council has been seized of this dispute since January 1948. A number of resolutions have been passed to arrest the conflict and to provide ways and means for a settlement.

Mr. Jarring was wise and within his terms of reference in making the point of departure in his efforts to find a settlement for this dispute the two resolutions adopted by the United

Nations Commission for India and Pakistan on 13 August 1948 and 5 January 1949, which were accepted by the two parties, and in exploring what was impeding their full implementation. This approach is commendable and is in conformity with the Council's resolution of 21 February 1957 [S/3793], which reaffirms the previous resolutions of the Council. It was not, therefore, necessary for Mr. Jarring to go over the ground already covered by the previous examination of the dispute by the Council or to express an opinion as to the adequacy of the resolutions passed by it. Mr. Jarring has rightly interpreted the resolution of 21 February 1957 and the opinions expressed in the discussions of this Council in January and February of this year.

It is therefore incumbent on the Council in its present deliberations to proceed further in its consideration of a settlement of the dispute. It should, further, keep in mind its resolution of 24 January 1957, which states :

"... that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations". [S/3779].

In other words, any attempt by either party to the dispute to raise issues which have been superseded by the resolutions should be considered by the Council as being irrelevant, at least as far as the problem before us is concerned, and not likely to lead to an easy solution of the problem.

In the light of these circumstances we should like to make a few observations on the stands taken by India and Pakistan with regard to the implementation of the two resolutions adopted by the United Nations Commission for India and Pakistan. The two resolutions recommend a process for the final settlement of the Kashmir dispute which could be divided into two stages : first, the demilitarization of the State of Jammu and Kashmir and, second, the holding of a free and impartial plebiscite to decide on the question of the future of Kashmir.

Since both India and Pakistan agreed - and this is the opinion of the Council - that the settlement of the dispute lies in the implementation of these two resolutions, the question is, as Mr. Jarring has found out, to examine what was impeding their full implementation.

India claims that the pre-conditions necessary for demilitarization have not been complied with, while Pakistan takes the opposite view. But both Governments recognize that the steps envisaged by the Commission's resolutions constitute a single and continuous process. The cease-fire order, which is part I, paragraph A, of the resolution of 13 August 1948, has been accomplished. Paragraph B stipulates that both parties should not augment their military potential in Kashmir. In this respect India claims that there has been augmentation on the Pakistan side. Pakistan denies this, and in support of its denial refers to the findings of Mr. Graham, the United Nations representative, who, in April 1952, states in paragraph 32 of his third report [*S/2611 and Corr. I*] that the present number of armed forces on the Pakistan side of the cease-fire line was estimated to be less than 50 per cent of the number of armed forces existing on 1 January 1949, when the cease-fire became effective. If any such violation has taken place, it was the responsibility of the United Nations Military Observers Group to report it to the Council. There has been no such report. Furthermore, in all its previous deliberations the Council has proceeded on the assumption that there has been no augmentation of the military potential in Kashmir. We submit, therefore, that India's position on this matter does not stand on real grounds.

Part I, paragraph E, stipulates that both parties should appeal to their respective peoples to maintain an atmosphere favourable for negotiations. India produces arguments and information to show that Pakistan has not only failed to make such appeals but also has indulged in what they called hostile propaganda. On the other hand, there are statements coming from the Indian side which can be interpreted to show a hostile attitude towards the settlement of the dispute. The dispute has dragged on for such a long time, during which so many events

have happened and so many declarations have been uttered, that it is hardly feasible to make of such statements a legal issue so to block the possibility of proceeding to a settlement.

The contention of India that Pakistan has not implemented part I of the resolution of 13 August 1948 and in particular paragraphs B and E is not designed to help in reaching a settlement. In all previous negotiations, India has never raised the question of the non-implementation of part I of the 1948 resolution. The main impediment to the full implementation of the Commission's resolutions, as the Council may recall, was the differences of opinion between the two Governments on the question of demilitarization as a prerequisite to the holding of the plebiscite.

My delegation notes that Mr. Jarring has attempted to break the deadlock concerning part I when he enquired, and I quote, "of the two Governments if they would be prepared to submit the question of whether part I had been implemented or not to arbitration" [S/3821, para. 17]. Nevertheless, in paragraph 19 of his report, he tells us that his efforts in bringing this matter to arbitration failed because of India's refusal. He says in fact :

"While the Government of Pakistan, after a certain hesitation, fell in with my suggestion in principle, the Government of India, however, did not feel that arbitration, as outlined by me, would be appropriate" [*ibid.*, para. 19].

The Government of India contended that arbitration is not suitable in this case because "such procedure would be inconsistent with sovereignty of Jammu and Kashmir and the rights and obligations of the Union of India in respect of this territory" [*ibid.*]. On this my delegation would like only to say that the question of Jammu and Kashmir has been settled—and this is, indeed, the view of the Council—so as to give India any right or obligations toward this State.

We wonder, therefore, if the new stand of the Government of India regarding the non-implementation of part I of the

resolution of 13 August 1948 is not on the one hand an afterthought, and on the other, an attempt to reopen issues which have long been closed. In this respect it should be asked : if Pakistan has not implemented part I, why did India enter into negotiations for the implementation of part II, the truce agreement? It was in January 1949 that India should have raised this matter. In fact the negotiations conducted by the Commission for India and Pakistan and the United Nations representatives were all directed towards finding a basis for the formulation of the truce agreement.

Such arguments on the part of the Government of India should not, however, deter the Council from proceeding with the implementation of parts II and III of the resolution of 13 August 1948. Even if there is a difference of opinion on the question as to whether or not the military potential of the forces in Kashmir has been increased, the proper solution still remains to demilitarize the State of Jammu and Kashmir. The demilitarization, in accordance with the principles laid down in the 1948 resolution, will certainly remove any augmentation of the military potential that may have taken place. It is the duty of the Council at this stage to find ways and means to objective, and once demilitarization has been achieved, the procedure laid down in the resolution adopted by the Commission for India and Pakistan on 5 January 1949 for the holding of a plebiscite should be set in motion.

The second complaint of India is that although the case had been brought before the Council on 1 January 1948 as an act of aggression committed by Pakistan, the Council had so far not expressed itself on the question and that it was incumbent on Pakistan "to vacate the aggression". Mr. Jarring has rightly declined to entertain this complaint by pointing out that the Council had properly taken cognizance of India's original complaint and that "regardless of the merits of the present position taken by the Government of India, it could not be overlooked that it accepted the two resolutions adopted by the United Nations Commission for India and Pakistan" [S/3821, para 14]. The acceptance of the two resolutions no doubt embodies a definitive agreement between the parties with regard

to the settlement of the dispute. This position had definitely been accepted by India. On 9 March 1951, Sir Benegal Rau stated in the Council :

"Here again India has already explained its position on more than one occasion namely, that under the guise of arbitration issues which have already been closed by the resolutions of August 1948 and January 1949 and by the assurances given to India by the United Nations Commission cannot be reopened" *S/536th meeting, para, 27*].

There is reference in paragraph 20 of Mr. Jarring's report to the concern on the part of both sides "in connexion with the changing political, economic and strategic factors surrounding the whole of the Kashmir question". This is why my delegation is convinced that a speedy implementation of the Council resolutions is the only alternative left after the continuing deadlock between the two parties. As a matter of fact, paragraph 21 of the report means exactly this when it says :

"The Council will, furthermore, be aware of the fact that the implementation of international agreement of an *ad hoc* character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope has tended to change." [*S/3821, para, 21.*]

Of course, this does not in any way refer to the permanent and final solution of the problem, which is the free and impartial plebiscite that should dispose of the dispute once and for all. This is, in our opinion, the solution to the problem, a solution which takes into consideration, and rightly so, the right of the people of Kashmir to self-determination.

What India and Pakistan do or abstain from doing in the wide field of international relations has no connexion whatsoever with the Kashmir dispute. Moreover, no purpose can be served in arguing about the implementation of the different parts of the

resolutions. The Security Council should proceed to the implementation, the full implementation, of these resolutions by proceeding to a complete demilitarization on both sides. Once this demilitarization is achieved, then all the other steps stipulated by the resolutions in question can be taken in an orderly and effective manner.

Before concluding my remarks on this subject, I should like briefly to sum up the main points contained or implied in Mr. Jarring's report, as follows :

1. The two resolutions of the United Nations Commission for India and Pakistan are and shall be binding on both Governments.
2. India's charge of aggression against Pakistan and the repetition of that charge during Mr. Jarring's visit were not relevant to his mission.
3. Both countries are desirous of finding a solution. To this, however, we must add that a solution is already prescribed by the Council and the Commission through their resolutions, and all that is to be done is to implement the resolutions.
4. Both parties have expressed their sincere willingness to co-operate with the United Nations in finding a peaceful solution.

We make a special appeal to the Governments of India and Pakistan to facilitate the solution of this dispute by bringing to bear more efforts and more co-operation, so that the right of the people of Kashmir to self-determination may be safeguarded and the Charter of the United Nations upheld.

I should now like to say a word or two on another subject which, although not entirely relevant to the problem now being discussed by the Council, has nevertheless been dwelt upon by the representative of India.

The representative of India saw fit to enter into a discussion of the purposes and objectives of alliances and pacts, and

he made a point of mentioning several times during his statement the Baghdad Pact, in which my country is a participant. My delegation categorically denies that the Baghdad Pact has any aggressive aims. Its members have chosen to get together for defensive, economic and social purposes. I am not here to express an opinion on the quotations which the representative of India produced before this Council at the 795th meeting, since, as he said, they were quotations from declarations made by Pakistan statesmen. I should, however, like to assure the Security Council that not a single statement from any responsible Iraqi can be produced to show that the Baghdad Pact is designed for anything other than good neighbourliness and defensive purposes.

We also believe that no country has the right or prerogative to question the right of other countries to enter into a purely defensive alliance or pact which not only is known to everyone and based on Article 51 of the Charter, but also is registered with the United Nations.

To accuse Pakistan of trying to involve other peoples of the Middle East in what the representative of India termed Pakistan's aggressive intentions against India is contrary to the fact of the situation and surely a reflection on the intentions and intelligence of other members of the Pact. That is why we were shocked to here the representative of India say the following at the Council's 795th meeting :

"After all, when there is a contract, there are two parties and there really should be a common intention even if each party goes in for a different reason" 795th, meeting, para. 98].

I should like to say here and now that our common intention is nothing else but common defence and wellbeing.

My delegation had not wished to enter into this subject, was it my intention to enter into an argument with the representative of India about what other Governments should

and should not do. I did not, however, wish to leave the allegations levelled, although implicitly, against my Government without any refutation.

It would not do justice to the case before us or to the people of Kashmir if we or others were to create or entertain the impression that our judgement was in any way related to or based upon considerations other than the merits of the case, the resolutions of the Council and the principles of the United Nations Charter—the most important of which is the principle self-determination.

**134. Text of the Speech made by Mr. Walker
(Australia) in the Security Council Meeting
No. 798 held on 29 October 1957**

All members of the Security Council are under a debt of gratitude to Mr. Jarring for his report (S/3821), which provides a cogent and perceptive analysis of the issues as he found them in his discussions in Pakistan and India. The Australian delegation considers that Mr. Jarring's report constitutes a fair clarification of these issues, which have also been fully set out by the distinguished spokesmen of Pakistan and India in the Council. The Australian Government has requested me to convey its thanks to Mr. Jarring for his useful contribution to the Security Council's work.

We listened with great interest to the comments on this report by Mr. Firoz Khan Noon, Foreign Minister of Pakistan and Mr. Krishna Menon, Defence Minister of India. Their speeches made many points of force and persuasion and demonstrated once again the event of situation and the feelings it arouses between two nations which are neighbours. This situation is one that distresses many friends of India and Pakistan and particularly countries like Australia, which are fellow members of the Commonwealth and are bent on policies of friendly co-operation with both India and Pakistan.

I do not think that any good purpose would be served by my attempting an elaborate commentary on the speeches made by the representatives of India and Pakistan. These speeches

seemed to the Australian delegation to put forward on many points complementary pictures, and in the main a faithful, if distressing, view of the complexity of the issues outstanding between them. Indeed, if I may say so, the two speeches have illustrated one of the major disturbing features of the present situation; that is, the tendency of controversialists in both India and Pakistan to attribute to the Government of the other country a greater degree of responsibility than either may actually have for the statements—and at times the actions—of religious and political extremists. In this connexion we regret that there is, unfortunately, a tendency on each side to attribute bad faith to the other more readily than might be considered justified by an objective observer. I might mention in passing that the Australian delegation shares the view of the United Kingdom delegation that the references by the representative of Pakistan to "the threat of genocide" are not helpful in a situation which understandably causes considerable anxiety. In the same way, Mr. Krishna Menon's description in his statement of the nature of present conditions along the frontier did not seem to us likely to relieve existing tensions.

As other members of the Council, and particularly the representatives of the United Kingdom and the United States, have stressed, we must all, especially in the deliberations of the Security Council, endeavour to improve the general atmosphere and to avoid the aggravation of difficulties.

Looking to the future, my Government does not consider that the problems involved in the Kashmir situation can best be tackled by the Security Council's attempting to determine every disputed question of historical fact, or of mixed fact and law. It is apparent, I suggest, to all who have followed the course of these proceedings that pronouncements on such issues would not be likely to provide a solution of the Kashmir problem. Only the parties to the dispute can, in the last resort, provide the solution. It is for this reason, I believe, that the Security Council has never expressed any conclusion on the legal aspects of the original accession of the State of Jammu and Kashmir to India or made any adjudication on the question of aggression.

Mr. Jarring reminds us in paragraph 13 of his report that, in the view of India, one of the impediments to the implementation of the two resolutions of the United Nations Commission for India and Pakistan was that "the Government of India felt aggrieved that the Council had so far not expressed itself on the question of what, in the Indian view, was aggression committed by Pakistan on India" (S/3821, para. 13). I think that the representative of India has himself made this view of his Government perfectly clear to the Council; but I hope that he will understand the attitude of the Council. We have also heard the representative of Pakistan's comments on this part of Mr. Jarring's report, and I trust that Mr. Khan Noon also will not misunderstand me if I find it necessary to remark on a portion of his comments.

Australia was not a member of the Security Council at the time when the Kashmir question was first discussed and the basic resolutions taken, and it would not be appropriate for me to interpret or defend the position adopted by those who were members of the Council at that time. During our membership of the Council we have so far considered that our approach to this issue should be to build upon the past decisions of the Council and of the United Nations Commission for India and Pakistan, and we have accordingly not felt that it would promote a settlement if the Council were now to go over past history and endeavour to determine whether there has been aggression. However, in case the words used by Mr. Khan Noon, namely, that all representatives on the Council "have regarded the Indian allegation as unworthy of consideration" (791st meeting, para. 24), might be interpreted by some persons as indicating that we had pronounced India's complaint to be insubstantial and hence not worth examining, I must say that we have not made any pronouncement at all on this matter, because we do not believe that it would be helpful to do so.

I doubt whether any of us can do more than try to help the parties towards agreement. The only practical basis that seems to be available is to take the Commission's resolutions as a whole without isolating one claim or another in any particular field of disagreement, in the hope that in this way the Council

may be able to assist the parties to make some progress towards a solution. The Australian delegation considers that it is in the implementation of these resolutions, or in some amendment that the parties can work out themselves and believe in themselves, that parties must find the path towards resolving their difficulties. I might add that this was the opinion expressed by Sri Owen Dixon in his report to the Security Council in 1950 (S/1791) following his visit to the subcontinent.

The Australian delegation therefore fully supports the emphasis laid by other members of the Council on the assurances given to Mr. Jarring during his visit to Pakistan and India, regarding the willingness of both Governments to co-operate with the United Nations in finding a peaceful solution of the Kashmir problem within the framework of the agreed resolutions of the Commission. I would stress particularly our support for the interpretation, given in his statement by Sir Pierson Dixon, of part I, paragraph E of the resolution adopted by the Commission on 13 August 1948 (S/1100, para. 75), when he said that in his view this agreement between the parties to promote further negotiations "requires a continuing effort on the part of both Governments, and an effort which should animate them in the whole handling of the situation" (797th meeting, para. 5).

The Australian delegation agrees with the view that, in the light of Mr. Jarring's report and the statements of the Indian and Pakistani representatives, it is a valid concern of the Council to resolve any doubts that may exist whether part I of the resolution of 13 August 1948 remains unimplemented in any respect at this time.

We also share the view that within the framework of the Commission's resolutions and of the Security Council's own discussions and resolutions on the subject, a further investigation should now be made on whether some progress can be attempted on the problem of demilitarization in Kashmir. Plainly, demilitarization is not going to take place if the parties adopt an "all or nothing" attitude. But if even modest progress is to be made towards the goal contemplated in the two resolutions of the Commission—that is a determination of the

future of the State of Jammu and Kashmir by means of a free and impartial plebiscite—then a further attempt to reach agreement between the parties on demilitarization is the obvious way to proceed.

I would suggest in this connexion that there are other factors, besides real or imagined anxieties regarding national security, that call for such an approach. In particular, the need for all possible progress to be made in the rapid economic development of India and Pakistan renders the maintenance of armed forces on the present scale in relation to the Kashmir situation an increasing handicap. There is also the view, which has been so widely expressed in the United Nations, that balanced reductions in armed forces can contribute, perhaps more than anything else, to an increase in mutual confidence between countries suspicious of each other's intentions. I might add that the Australian delegation has been struck in studying the records of this dispute by the tremendous importance which the Security Council has always attached to measures of demilitarization as the road to progress towards a solution of the Kashmir problem.

It seems to us, therefore, that the Council would be wise to take up the suggestion made by the representatives of the United Kingdom and the United States at the 797th meeting that it would be appropriate in present circumstances for the Council to call upon the United Nations representative for India and Pakistan, Dr. Frank P. Graham, to consult again with the parties in order to bring about progress towards full implementation of the resolutions adopted by the Commission for India and Pakistan. The Australian delegation has the greatest respect for Dr. Graham, who, in his long years connected with the United Nations, has become well known to us in our part of the world. We agree with the United States representative that the Council should express its confidence that Dr. Graham can perform another valuable service for the Council and, more importantly, for India and Pakistan themselves, if the two Governments concerned will agree to receive him and to consult with him in good faith in a renewed effort to reach an early agreement on this problem.

**135. Text of the Speech made by Mr. Nunez
Portuondo (Cuba) in the Security Council
Meeting No. 798 held on 29 October 1957**

The Cuban Government wishes to congratulate the representative of Sweden, Mr. Gunnar Jarring, on his skilful handling of the difficult mission entrusted to him by the Security Council. His report, which has been very carefully read and studied by us, gives a clear account of the present position of the Governments of India and Pakistan on the question of Jammu and Kashmir.

We have also listened with great interest to all the oral statements of the representatives of Pakistan and India analysed them and perused, in so far as possible, the innumerable documents contained in the file on this question. There is no need for us to stress again our great esteem for the peoples of India and Pakistan, with whose respective Governments the Government of Cuba maintains very cordial diplomatic relations.

As the Cuban delegation sees it, there was agreement on this problem at one moment; not only between the Governments of Pakistan and India, but also in the United Nations, as represented by the Security Council, which applied the clear and categorical provisions of the Charter. This was when both Governments made public statements agreeing that the people of Kashmir should freely determine their own future and decide by means of a free plebiscite whether they would accede to India or to Pakistan. This happened on 13 January 1949 (*399th meeting*), when the Council took note of the report of the United Nations Commission for India and Pakistan (*S/1196*), giving notice of the acceptance by the Governments of India and Pakistan of the resolutions adopted by the Commission on 13 August 1948 and 5 January 1949 determining the procedure and establishing the stages for holding the plebiscite, which, we repeat, was accepted by both Governments.

It was after this that the difficulties arose. Nevertheless, up to this very moment we have not heard it stated clearly and categorically nor have we been informed in any official

document that the Government of India or the Government of Pakistan refuses to fulfil its offer that the people of Jammu and Kashmir should decide their own final destiny. It appears to us that this point is extremely important, of great legal and particularly moral value.

We realize that the passage of time has made fulfilment of the agreement more difficult, but we must also add that it does not make it impossible. Moreover, in our opinion, the Security Council has no alternative but to try, through all possible legal means in its power, to ensure that the people concerned have the last word, expressing their view beyond any doubt by means of a legally and impartially held plebiscite. Any other course would mean a revision of our agreements or a refusal to carry out obligations, and this the Security Council cannot accept.

We have given consideration and study to all the arguments advanced by the Indian Government; but, in our opinion, none of them is sufficiently weighty to prevent the people of Jammu and Kashmir from deciding their own destiny in the final instance. Besides, we repeat, we have neither heard nor read that the Government of India refuses to fulfil the undertakings it volutarily accepted.

The Indian Government had adduced one argument which we consider important. We are referring to India's affirmation that this question of Kashmir was brought before the United Nations by the Government of India itself on 1 January 1948, under Article 35 of the Charter, when it accused Pakistan on committing acts of aggression against it. The Cuban delegation considers that the Council implicitly settled this question by its resolutions subsequent to that date. Moreover, the very fact that India, on 13 August 1948 and 5 January 1949, accepted agreements to resolve the problem through a free plebiscite in which the people of Jammu and Kashmir would decide their own future, logically and legally bars the Security Council from a decision on the original accusation which subsequent events and situations rendered inoperative. The very procedure proposed by the Commission and accepted by Pakistan and

India, we repeat, implicitly resolved the question of the alleged aggression, even if the charge had been fully proved.

Another very important argument of the Indian Government relates to the need to guarantee the withdrawal of the armed forces of Pakistan. The offer of the Government of Pakistan to withdraw its forces and replace them by United Nations troops (791st meeting, para. 79) in our opinion constitutes a constructive and encouraging approach. The plebiscite would be made more feasible by simultaneous or subsequent withdrawal of Indian military forces.

In our opinion, the fact that Pakistan belongs to a defensive military alliance such as is constituted by the Baghdad Pact has no relation to the problem under discussion. We have no report of a single act of aggression committed in the name of the Baghdad Pact. Cuba also belongs, and has belonged for many years, to an inter-American defensive; that alliance also has never been accused of committing a single act of aggression against another nation. It is practically impossible for defensive alliances, under the terms of their agreements and in the case of States that are really independent and sovereign, to be used for aggressive purposes, because the other contracting parties would obviously not countenance any act of aggression.

The Cuban delegation considers that, despite all the obstacles, the Security Council must go on working calmly and cautiously to ensure that ultimately the plebiscite is held under the agreed conditions. We are concerned with two States, India and Pakistan, which are kinsmen and neighbours. We should all do our utmost to bring about the solution of a problem which cannot continue without ultimately endangering the peace. These are two Governments worthy of our respect which have always fulfilled their obligations in the United Nations, and which have proclaimed and defended the principle of the self-determination of peoples, inasmuch as our goal is self-determination for the people of Jammu and Kashmir, we believe that the task of the Security Council becomes less difficult.

**136. Text of the Speech made by Mr. Romulo (Philippines) in the Security Council meeting No. 798 held on
29 October 1957**

I would like to join the other members of the Council in expressing to the representative of Sweden, Ambassador Jarring, my Government's appreciation for the wise and conscientious manner in which he carried out the mission entrusted to him. The tactful and objective terms in which Mr. Jarring's report is couched are such as one would expect from a diplomat of consummate skill. Indeed, the atmosphere of frankness and cordiality which characterized Mr. Jarring's conversations with the leaders of both India and Pakistan only serves to confirm us in the belief that his inability to report more positive results was in no way due to any lack of resourcefulness, patience or dedication in the pursuit of his mission.

This is why my delegation is constrained to view the report with a feeling of disquiet. The problem of Kashmir has now been before this Council for ten years. The Council has adopted a number of resolutions, and the resolutions adopted by the United Nations Commission for India and Pakistan on 13 August 1948 and 5 January 1949, to which both sides stand committed, still await full implementation.

During an interval of five years, between December 1952 and January 1957, the Council even tried the sometimes useful device of allowing the problem to drift, to let the dust of contentious debate settle and thus clear the way for the processes of peaceful negotiation to develop between the parties. But time has brought no healing to this question. Now, as the Council renews its consideration of the Kashmir problem, our feeling of disquiet is heightened not only by the report of Mr. Jarring, but by the burden of the statements recently made to the Council by the spokesmen of Pakistan and India. The problem, needless to say, is an extremely complex one, and the long debates which the Council has held show how many peripheral issues of varying relevancy can be brought into the discussion. But so far as this Council is concerned the basic issues involved are relatively simple, and the actual position is

equally uncomplicated.

Both India and Pakistan accepted in good faith the Commission's resolutions of 13 August 1948 and 5 January 1949. Those resolutions provided, first, for a cease-fire, second, for a truce agreement, and third, for a free and impartial plebiscite to determine whether the State of Jammu and Kashmir should accede to Pakistan or to India. The Government of Pakistan should its readiness to comply with the terms of the agreement, and today reaffirmed its oft-expressed desire to proceed to their full implementation. There is no lack of evidence in the records of the Council to support the positive attitude taken by the Government of Pakistan towards the agreement. Since Pakistan is clearly eager to get on with the plebiscite, it would understandably be equally desirous of observing the terms of the cease-fire and the truce agreement, which are a necessary prerequisite to the plebiscite itself.

The Government of India has contended, and still contends, that Pakistan has failed to implement fully the cease-fire order, and that therefore it cannot agree to the implementation of the truce agreement and the plebiscite. To the proposal of the Council, made through Mr. Jarring, to submit to arbitration the question of whether there has been full compliance with the ceasefire agreement, Pakistan has replied yes, while India holds this is not a matter for arbitration. That is how the question stands at present before the Council.

Our present discussion shows that the disturbing factors come from two sources. One arises from the affirmation in Mr. Jarring's report that :

"The implementation of international agreements of an *ad hoc* character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope has tended to change." [S/3821, para. 21.]

This is only another way of saying that the agreements of the Commission have reached—if they have not already passed—the point of diminishing returns.

The other disturbing factor arises from the statement of the representative of India to the Council on 9 October. Mr. Menon not only said that the question of the observance of the cease-fire agreement was not subject to arbitration ; he affirmed that :

"There cannot be any question of the violation or any infringement of the issue of sovereignty either in regard to the Government or the Union as a whole," [795th meeting, para. 18].

and again, that :

"We are not prepared to offer any proposal which in the slightest degree infringes a hair's-breadth of our territory, because that is our national sovereignty, which it is our duty to safeguard and to pass on to succeeding generations." [796th meeting, para. 130].

The objective of the Commission's resolution, which deserves constant repetition, remains that of holding a free and impartial plebiscite under the auspices of the United Nations to determine the real wishes of the people of the State of Jammu and Kashmir. It is clear that any claim by one party or the other that any portion of the State of Jammu and Kashmir is Indian or Pakistan territory would be highly prejudicial to the implementation of the two resolutions adopted by the Commission and accepted by the two parties.

The failure of the parties to agree to his proposals notwithstanding, Mr. Jarring suggests that the Council may wish to take note of expressions of sincere willingness to co-operate with the United Nations in the finding of a peaceful solution, expressions which he received from both Governments. Such expressions of willingness to co-operate would be meaningless, however, unless they were followed by concrete evidence of willingness to reach agreement. Perhaps this avowed mutual desire could be translated into reality if the Council were to urge once again that the parties negotiate anew between themselves. Surely, the least we ought to expect after such categorical

expressions of willingness to co-operate, made to an official representative of this body, would be the restoration of that amicable and conciliatory atmosphere which in previous years resulted in some sort of agreement between the parties. One can almost tread this thought between the lines of Mr. Jarring's very precise report.

Certainly, if the Council is to move forward, it has to do more than note Mr. Jarring's report and express appreciation for his valuable services. My delegation would therefore urge that the Council should continue to press the parties to come together in order to reach an understanding that will serve the interests of peace in a vital area of the globe with sacrificing the legitimate aspirations of the people of Jammu and Kashmir. If the suggestion to call upon the United Nations representative for India and Pakistan, Mr. Frank P. Graham, to consult again with the parties for the implementation of the Commission's agreements can help us to reach this objective, the delegation of the Philippines would be happy to support it.

The two Governments, I am sure, realize more keenly we do that they cannot permit the situation to deteriorate to such a point as to make conflict inevitable. Yet, each day of stalemate that passes without hope for prospect of solution slowly but surely draws them closer to the abyss. What makes the situation so tragic in the eyes of their neighbours--and we are one of them--and the rest of the world is that it is so out of character, so foreign to their conception of the virtues that have made the two contending nations great in stature and influence. May not the vision and statesmanship which have given weight to their counsel in the forum of the United Nations be employed to advantage in solving a problem which immediately concerns them and may involve their very survival?

The Philippines feels a particular concern over this question, which involves two great sister nations of Asia that we admire and respect.

For Pakistan, we are concerned that there shall be increasing respect for the principle of self-determination, which our new countries in Asia and Africa are asking the rest of the world increasingly to respect. For India, we are concerned that

her high moral position in world affairs shall not be needlessly compromised by a miscomprehension of her real attitude on the problem of Kashmir.

For both India and Pakistan, we are concerned that these two Asian nations should live together in peace so that, by their words as well as by their example, they can contribute to the building up of a world of peace, order and justice.

**137. Text of the Speech made by Mr. Jarring (Sweden)
in the Security Council Meeting No. 798 held
on 29 October 1957**

I have listened very attentively to the statements which have been made during the present debate on my report on the India-Pakistan question. I wish to take this opportunity to express my gratitude for the kind words of appreciation concerning the report which have been spoken in this Council.

In asking to speak at this stage, I do not intend to make any additions to or comments upon my report. Nor do I feel that having submitted it, I should now offer an interpretation of the report. The report reflects this situation relating to the India-Pakistan question as I saw it, in the light of the mandate I received from the Security Council, at the time of my visit to India and Pakistan. The report must consequently speak for itself.

In my report, I established that a deadlock had been reached between India and Pakistan on Part I of the resolution of 13 August 1948, and in particular on paragraphs B and E of that part. In continuing over efforts to find a way towards a settlement of the India-Pakistan question, I think that we should give this problem our special attention. Every proposal for a constructive settlement thereof which might be put forward should, in the opinion of the Swedish Government, be submitted to the most careful examination.

Before I proceed, I should like to recall that the Swedish Government, as other members of the Council well know, has during the current year suggested that certain legal aspects of the question might be referred to the International Court of

Justice for an advisory opinion. My Government still maintains that this suggestion should, at an appropriate moment, be carefully considered. Although such a moment can hardly be said to exist today, my Government would nevertheless be interested to learn the attitudes, in principle, of the parties to this suggestion.

During the debate at the Council's 797th meeting, the United Kingdom and United States representatives indicated that it might be advisable to let the United Nations representative for India and Pakistan, Mr. Frank P. Graham, who is eminently qualified for this difficult task, resume his conversations with the two Governments, with a view to putting forward recommendations for a settlement based on the two resolutions adopted by the Commission for India and Pakistan in 1948 and 1929, by which the two parties have declared themselves bound. Should such a suggestion meet with general support, the Swedish Government will raise no objections, despite what I have already said concerning the desirability of seeking an advisory opinion from the International Court of Justice. Our hope is that the parties will be able to find their way to a settlement of the question through negotiation. This would be in conformity with the wishes so often expressed by the parties for a peaceful settlement within the framework of the United Nations—those wishes to which I have permitted myself to draw the Council's attention in the concluding words of my report. *

**138. Text of the Speech made by the President
Mr. Guillaume Georges-Picot as representative of
France in the Security Council Meeting No. 798
held on 29 October 1957**

As no other member of the Council wishes to take the floor. I should like now to speak as the representative of France.

The French delegation has studied very attentively the report on the India-Pakistan question [S/3821] submitted in pursuance of the resolution adopted by the Security Council on 21 February 1957 [S/3793]. It has listened equally attentively

to the statements of the Parties as well as to the interventions of other members of the Council.

My delegation would like, in the first place, to pay a warm tribute to the representative of Sweden for the way in which he has carried out a difficult task, and to offer him its thanks. In my capacity as President I note that the members of the Council who have participated in this debate have been unanimous in their congratulations and their praise for the manner in which he has fulfilled his mission.

As to the substance of the problem, it still subsists and, alas, in the same terms. That is an observation we have heard before, and it would be all the more discouraging if we had not heard the two parties clearly reaffirm their desire to find a peaceful solution to the question. It is this intention which, in our opinion, constitutes the most important feature of the case as it stands before us today.

For nearly ten years the Council has spared no effort to find a solution in conformity with the principles of the United Nations Charter and acceptable both to India and to Pakistan. Several resolutions have been adopted, some of them, which would have made it possible to settle the question fairly and democratically, have been accepted by the parties but have nevertheless remained up to now a dead letter. The Council cannot stand still, however, it must look forward, not backward.

Mr. Jarring's report has the merit of stressing the complexity of the question. Happily, our Swedish colleague concluded his report on an optimistic note. He said: "Despite the present deadlock, both parties are still desirous of finding a solution to the problem." [S/3821, para 22] This intention is clearly apparent in the statements made by the representatives of the two parties.

The French delegation is pleased to note that the two parties have pledged themselves again to the principle of resort to peaceful means of settlement, which is embodied in Article 33 of the Charter. There can be no doubt that in the present instance, great difficulties impede the adoption of specific measures for achieving such a settlement. I shall not reiterate

these difficulties, there are, however, in addition, positive elements, as Sir Pierson Dixon and Mr. Wadsworth have very pertinently pointed out. It remains to find a way of putting them to constructive use.

The Council cannot itself devote its time to so lengthy and detailed a task, and the French delegation is, in this matter as in others, opposed to the setting up of new bodies. The Organization has for some years, however, enjoyed the distinguished services of Mr. Frank P. Graham as United Nations representative for India and Pakistan, and we believe that the suggestion which was made that Mr. Graham should be asked to seek, with the parties, some means of bringing those positive elements into play, is a constructive proposal and one which should be given consideration.

As no other member of the Council has expressed a desire to speak this afternoon, and as those members of the Council who have not yet spoken have informed me that they do not intend to do so today, I shall, in my capacity as President, ask the representatives of the parties, that is, the representatives of India and Pakistan, if they wish to make any statement to the Council at this stage of the discussion.

**139. Text of the Speech made by Mr. Sobolev (Union
of Soviet Socialist Republics) in the Security
Council Meeting No. 799 held on
5 November 1957**

At the request of the representative of Pakistan, the Security Council is again considering the Kashmir question. This time the occasion for the discussion is the report [S/3821] which Mr. Jarring, the Swedish representative, submitted on 29 April 1957 in accordance with the Security Council's resolution of 21 February 1957 [S/3793]. The Council requested Mr. Jarring, who was President of the Security Council at that time, to conduct negotiations with the representatives of India and Pakistan for the purpose of examining any proposals likely to contribute to the peaceful settlement of the Kashmir problem.

At the time that draft resolution [S/3792] was under discussion the delegation of the Soviet Union drew attention to its fundamental defects and objected in particular to the mention of the Council's previous resolutions [774th meeting, paras 43 and 44], in other words, to the idea that, in carrying out the Security Council's instructions, Mr. Jarring should to any extent be bound by its earlier decisions, adopted in entirely different circumstances. We pointed out at that time that he should base himself on the present international situation and on circumstances in the Kashmir area as they are today, rather than on resolutions adopted many years ago and embodying recommendations which no longer have any real force and meaning in view of fundamentally altered circumstances. The Soviet delegation did not object to the adoption of the resolution, however, for it believed that the mission entrusted to the President of the Security Council, if carried out in the light of the situation which had developed in that area of the world, could contribute to the peaceful settlement of the problem.

The Soviet delegation has studied the report submitted by Mr. Jarring and feels that some of the observations it contains can assist the members of the Security Council in forming a correct and objective idea of the situation which has arisen in connexion with the Kashmir problem.

In particular, the report reflects the fact that during the ten years which have elapsed since the Kashmir problem was first referred to the Security Council, fundamental changes have taken place not only in Kashmir itself, in the life of the people of Kashmir, but also in the political situation in that part of Asia. Considering those circumstances, it would, of course, be unrealistic to be guided by recommendations and proposals put forward in connexion with the Kashmir question many years ago.

In the report it is expressly stated that :

"The Council will, furthermore, be aware of the fact that the implementation of international agreements of an *ad hoc* character, which has not been achieved fairly

speedily, may become progressively more difficult, because the situation with which they were to cope has tended to change." [S/3841, para 21.]

At the same time the report draws attention to "..... the concern expressed in connexion with the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia." [*Ibid.*, para 20.]

These conclusions in the report accord with the views expressed by the Soviet delegation when the Kashmir problem was discussed at the beginning of 1957. The Security Council as not yet shown any sign of taking those conclusions into account.

The Soviet delegation for its part shares the concern caused in peace-loving circles in Asia and throughout the world by the policy of organizing politico-military blocs and establishing military bases on foreign soil, by the armaments race with its disastrous consequences for the economies of the under-developed countries, by the Western Powers' intervention in the domestic affairs of States and other action which are leading to increased tension and undermining security in various parts of Asia. The fact that Pakistan has allowed itself to be drawn into the orbit of that policy of the Western Powers has left its mark on the Pakistan Government's policy with regard to the Kashmir problem as well. As a result of Pakistan's policy, which has found support and encouragement among that country's partners in the South-East Asia Treaty Organization (SEATO), the situation in the Kashmir area continues to be strained.

For many years the Indian Government has sought a peaceful settlement of the conflict on the basis of the agreements reached in the past and incorporated in the resolution adopted by the United Nations Commission for India and Pakistan on 13 August 1948 [S/1100, para, 75] and in its further resolution of 5 January 1949 [S/1196 para, 15].

Nevertheless, all India's efforts to bring about the successive implementation of those agreements and in particular, the withdrawal from Kashmir of Pakistan troops, tribesmen, and Pakistan nationals, in accordance with the Commission's resolution of 13 August 1948, have been balked by Pakistan's obstructionist policy. The Indian Government, in accordance with the obligations which it has assumed, has sought to promote the national development of Kashmir by granting its people the right of self-determination and by taking the necessary steps to ensure the free expression of their will in the manner most appropriate to the circumstances which have arisen. As is well known, in September 1951 the first general election was held in Kashmir for the purpose of establishing a Constituent Assembly. In February 1954 that Assembly unanimously ratified the accession of Kashmir to India and in November 1956 it adopted a State Constitution formalizing the status of Kashmir as a self-governing State within the Republic of India. In March 1957, the population of Kashmir, together with all the peoples of India, participated in elections to the Indian Parliament and also elected a legislative assembly of their own State. The whole development of the State and its successes in the work of national construction show that the close political, economic and cultural ties between Kashmir and the Republic of India are an important condition of its further progress. By now it should be clear to everyone that the people of Kashmir have decided their own destiny once and for all, that they regard Kashmir as an inalienable part of the Republic of India and that they do not want any interference in their affairs by any self-appointed guardians.

Why is the question of the fate of the people of Kashmir again being re opened? Obviously it is not the interest of the people of Kashmir which is determining the policy of the Western Powers, engaged as they are in yet another attempt to use the Kashmir problem once again to exacerbate relations between India and Pakistan, to undermine the security of that part of South-East Asia and to increase tension in the area.

It would be hard to disagree with the statement made by Mr. Nehru, the Prime Minister of India, on 4 March 1957 in

which he said that certain Powers which do not like his country's independent foreign policy are seeking to exert pressure from within and without to induce India to change it.

It would seem to have been no mere coincidence that the resumption of the discussion of the Kashmir problem at the beginning of 1957 occurred at the very time when certain Western Powers were expressing open dissatisfaction with the foreign policy of India, which had taken a stand in favor of the peaceful co-existence of States and the settlement of outstanding international problems by negotiation. Having artificially created the unhealthy atmosphere which surrounds the Kashmir problem, the Western Powers are seeking to use it as a means of applying political pressure to India. The Security Council, however, cannot and must not be a party to, much less an instrument of, such pressure. It is quite obvious that any sort of proposal to send international troops into Kashmir or to refer the question for consideration to various arbiters and mediators, primarily represents a blatant attempt to exert pressure on India. Furthermore, the purpose of such proposals is to cover up and justify foreign intervention in the Kashmir problem and the domestic affairs of India to the detriment of its national sovereignty. For that reason, the objections voiced here by the Indian representative to the proposal to institute a special arbitration procedure for investigating the facts of the Kashmir problem are fully justified. The Council cannot disregard those objections.

The Soviet delegation holds that the Security Council should use its authority not to impose the will of other on the people of Kashmir, but to bring about the cessation of activities which are increasing tension in the relations between two Asian countries and to create favourable conditions for the settlement by peaceful means, without any foreign interference or pressure, those aspects of the Kashmir problem which are still unresolved. If the Security Council follows this course, it will win the support and understanding of the forces of peace everywhere, and will help to restore the situation in the Kashmir area to normal and to strengthen peace and security in South-East Asia, and, consequently, throughout the world.

**140. Text of the speech made by Sir Pierson Dixon
(United Kingdom) in the Security Council Meeting
No. 803 held on 18 November 1957**

In my last statement to the Council on 25 October [797th meeting] I indicated the direction in which Her Majesty's Government considered that the Council should proceed in this matter. We have now had the benefit of a second speech by the representative of India and by the representative of Pakistan. Having considered these speeches, together with Mr. Jarring's report, and bearing in mind the past history and present state of the question, we have joined, with several of our colleagues, in embodying our views in the draft resolution just introduced by the United States representative. My purpose today is to refer briefly to some points in the draft resolution in which additional explanation may be required in order to make our purpose clear.

First of all I should make it plain that we realize that this draft cannot give full satisfaction to either of the parties. It contains elements which we know both parties will consider incompatible with some of their contentions. That is clear, both from the speeches of Mr. Khan Noon and Mr. Krishna Menon and from the long past history of the question. We regret this ; but we feel it may be inevitable at this stage. The wideness of the difference which separates the parties is such that obviously the Security Council cannot satisfy both parties in full ; neither can it satisfy either one in full so long as it makes a serious attempt towards progress. But we can at least hope to make proposals which will assist the parties in attaining a solution of this intractable problem. That is our purpose and our hope.

Some of the points I propose now to make in dealing with the draft resolution will bear upon the criticisms of the United Kingdom attitude made by the representative of Pakistan in his speech of 15 November [802nd meeting] and by the representative of India in his speeches delivered on 5, 11, and 13 November [799th, 800th and 801st meetings]. I will not, however, attempt today to deal with these criticisms in full as I believe it

is the general wish of the Council to make progress as rapidly as possible. I would, however, like to make one general observation.

During his recent statements in this Council on this subject, the representative of India has often complained that the United Kingdom attitude is misguided and that I have been badly advised as to the true facts of the situation. I may be misguided, but I take responsibility, under directions from my Government, for all the statements I make here.

The Kashmir problem has in ten years produced a great weight of documents, a vast complex of statements and reports. I will not pretend that I have read every word of every document that has been printed. I imagine that others occasionally find themselves in a similar position. I have, however, as I am sure have other members of the Council, attempted to acquaint myself fully with the views of the two parties and with the position taken by the Security Council during its many discussions of the problem over the past years.

I have recently refreshed my memory by reading again the reports of the United Nations Commission for India and Pakistan and of Mr. Graham, including some of those from which quotation has been made in our recent discussions. I have been impressed by the careful and balanced drafting of these reports. I am convinced that it is unhelpful for either side to quote individual sentences or paragraphs from these reports in support of some disputed contention, without regard for qualifications which appear elsewhere or for the context as a whole.

Anyone who reads the documents of the United Nations Commission for India and Pakistan and in particular its third interim report cannot fail to be struck by finding how similar were the stands taken up by the parties at the time of the publication of that report in 1949 to the stands with which we are familiar from the latest speeches on either side. Then, as now, the Council was informed that a deadlock had been reached. That has not deterred the Council in the past from seeking ways of resolving the deadlock consistent with its own approach. I do not think the Council should be deterred from

renewing these efforts now.

To come now to the draft resolution which is before the Council [S/3911]. The preamble seeks to put our proposals in their proper setting, that is, the setting of the previous decisions of the Council, the resolutions of the Commission for India and Pakistan and Mr. Jarring's report.

The fourth preambular paragraph observes that the Governments of India and Pakistan recognize and accept the commitments undertaken by them in the Commission's resolutions. This language is carefully drafted ; it takes full account of the statements made by the representatives of India and Pakistan.

I am fully aware of the importance which the Government of India has attached to the assurances given to India by the Commission for India and Pakistan in the exchange of correspondence in August and again in December 1948. I am aware also of the importance which the Government of Pakistan attaches to the assurances received from the Commission. This paragraph is so drafted as to detract in no way from the importance to be attached to those assurances. This language prejudices no position.

The representative of the Soviet Union suggested that because the resolutions were adopted a number of years ago, they had lost their force and meaning [799th meeting, para. 4]. That was a surprising suggestion. One of the most encouraging features of the debate during the renewed consideration of the Kashmir problem this year has been the repeated reiteration by both sides that they stood by their engagements, commitments and obligations—all three words have been used as contained in the two resolutions of the United Nations Commission for India and Pakistan.

Mr. Jarring's terms of reference were based on those resolutions. His report [S/3821] makes quite clear that his efforts were directed to exploring what impeded their full implementation. There are those who argue—but neither the representative of India nor the representative of Pakistan is among them—that the Commission's resolutions should be disregarded, that some other approach should be tried. The

simple fact, however, is that the Security Council, in proceeding under Chapter VI of the United Nations Charter, is attempting to find a basis for progress towards a settlement acceptable to both sides.

Both sides have repeatedly and categorically asserted during this phase of the discussions of the Kashmir question that they look for the implementation of the Commission's resolutions. The Security Council, in seeking to make progress towards a settlement, must surely proceed from this basis. There is no question of the Security Council attempting to impose a decision on this point; the draft resolution merely reflects publicity announced and reiterated decisions of the parties themselves.

I did not attempt to disguise in my speech at the 797th meeting of the Security Council that the United Kingdom Government was fully aware that there is a long and difficult road to a final settlement of this dispute. Mr. Jarring himself was aware of the grave problems that might arise in connexion with and as a result of a plebiscite. The resolution of which we are one of the sponsors does not attempt to deal with these problems. It confines itself to the earlier phases of the question, dealt with in parts I and II of the Commission's resolution of 13 August 1948.

I come now to the operative paragraphs of the draft resolution.

In operative paragraph I of the draft, words are reproduced from the Security Council resolution of 17 January 1948, and this wording has been combined with a reiteration of the words of part I, paragraph E, of the Commission's resolution of 13 August 1948 [S/1100, para. 75]. The effect is to lay emphasis on the need to maintain an atmosphere favourable to the promotion of further negotiations.

In his statement on 5 November [799th meeting], the representative of India indicated that he regarded the idea of a request of the kind in the first operative paragraph, which I had adumbrated in my speech at the 797th meeting, as superfluous so far as the Government of India was concerned, but he stated that he did not object to it. I also recall the stress which he

has laid on the Security Council resolution of 17 January 1948.

Mr. Firoz Khan Noon has contended that in my speech adumbrating this part of the resolution, I have placed a far wider interpretation on part I, paragraph E of the Commission's resolution of 13 August 1948 than its terms suggest. But an appeal to both sides by a United Nations organ such as that in the draft resolution is, of course, a normal and useful practice with which we are all familiar. I believe members of the Council will agree, having listened to what has been said on both sides, that an appeal of this kind is desirable and would be desirable even if both sides were not engaged by the Commission's resolution. A continuing effort is required to create the right atmosphere for negotiation by both sides.

I now come to operative paragraphs 2 and 3 of the draft resolution.

In my statement on 25 October [797th meeting]. I dealt at some length with the relationship between parts I and II of the Commission's resolution of 13 August 1948. I think I made clear our view that the connexion between these two parts of the resolution is such that it would be difficult for the Security Council at this stage to take action on either part without regard to the other. In view of the firmly held conviction of the Government of India that part I has not been implemented, and in spite of the view of the Government of Pakistan to the precise contrary, it would be wrong! to exclude part I from the terms of reference of a United Nations representative. I regret that we and our co-sponsors have felt obliged to record this view in face of the known objections of the Government of Pakistan.

In view of the need to make progress and of the connexion which I described in my previous speech [797 meeting], between parts I and II, it has seemed to the sponsors that some step forward on part II is necessary. Conscious of the view of the Government of India that no progress can be made on part II until part I has, in its view, been implemented, we have made an attempt to bridge the opposing views of the two Governments in this matter of demilitarization. It will be seen, however, that our draft resolution gives considerable discretion to

Mr. Frank P. Graham. We do not lay down a rigid sequence for the various tasks entrusted to him. We feel it desirable that he should be able to use a flexible approach. As regards part I, we hope that he will be able to make recommendations which will be acceptable both to Pakistan and to India. We hope that the necessity for making such recommendations as he considers desirable will in no way militate against progress. We also hope that he will be successful in making progress on a plan for a reduction of forces; for this, in our view, is a necessary preliminary to the creation of conditions in which progress towards a final solution will be possible. Surely no single step could do so much to reduce tension and restore confidence between the parties, and until a basis of mutual confidence is established, progress towards a solution obviously is extremely difficult.

As I understand the position of the Government of India, as expressed by Mr. Krishna Menon, it is that it does not consider itself bound by the twelve-point proposals made by Mr. Graham in the course of his discussions with the Governments of India and Pakistan and embodied in his fifth report [S/2967, *annex II*]. This is fully understood. Certainly Mr. Graham must seek an agreement on the basis of the relevant Security Council resolutions; but equally, he cannot ignore whatever is applicable from his previous discussions. All that our draft resolution says is that Mr. Graham should have regard to his own fifth report. This is no restraint on his freedom of action; nor is it an attempt to give some special authority to a previous series of suggestions which proved unacceptable. It is simply a statement of the obvious fact that he will have regard to the previous history of discussions when making his own new approach.

Operative paragraph 3 merely asks for co-operation from the two Governments to work out procedures for putting whatever agreement is reached into effect within three months. Its sole purpose is to say, as has said in the past, that when agreement on demilitarization is reached, that agreement ought rapidly to be translated into action.

Such then are the purposes and hopes that lie behind our action in joining in sponsorship of the draft resolution. We recognize that the success of Mr. Graham's mission will depend on the co-operation which he receives from the parties. I am confident that this co-operation will be forthcoming. What we are proposing is a modest step forward towards the settlement which both parties have told us they desire.

In summing up my remarks I would point out that nothing in the draft resolution prejudices, or is intended to prejudice, the stands of the two parties on the various points at issue. On the other hand, it is only out of the exercise of compromises and a willingness to try to find common ground that the solution will be found.

I would like to appeal to the representative of Pakistan not to reject this draft resolution because of its request to Mr. Graham to make any recommendations which he considers desirable in connexion with part I of the resolution adopted by the Commission for India and Pakistan on 13 August 1948. I appeal also to the representative of India. Nothing would contribute more to a settlement, which is so much in the interests of both parties, than a reduction of mutual suspicion and hostility. Surely the first and most effective step in this direction would be—in the words of the draft resolution—an agreement on a reduction of forces on each side of the cease-fire line.

It is the task of the Security Council to help to bring about an easing of tension and to foster conditions of mutual confidence between the parties in order that a solution may more easily be attained. That is the purpose which animates the United Kingdom in joining the sponsors of the draft resolution now before the Council.

It is the earnest wish of the United Kingdom to see a settlement of a problem which so troubles the relations between India and Pakistan. I therefore appeal to both Governments to accept any recommendations that Mr. Graham may make in respect of part I of the resolution of 13 August 1948. I would also appeal to them to regard the draft resolution as a constructive effort to make progress—progress towards a settlement, by

whatever means it can ultimately be achieved, which is so important to the subcontinent, and which is so earnestly desired by their friends in the United Nations.

**141. Text of the speech made by Mr. Nunez-Portuondo
(Cuba) in the Security Council Meeting No. 803
held on 18 November 1957**

At this stage of the debate, my delegation wishes once again to restate its position on the question of Jammu and Kashmir and to clarify some matters raised in recent statements by the Indian representative.

In the first place, I should like to say that it could not reasonably be deduced from my statement of 29 October 1957 [798th meeting] that my delegation had made a proposal. When the Indian representative said in his statement of 11 November 1957, "Supposing the proposition of the representative of Cuba was accepted" [800th meeting para. 13], when he spoke of attempts to Balkanize India, and so on, he was taking issue with opinions my delegation had never expressed.

In the case of Jammu and Kashmir, when we speak of the self-determination of these peoples, we are not expressing an abstract concept of political law, we are merely using these words in their literal sense, which is very clear in Spanish. We refer to the right of the people of Jammu and Kashmir, taking into account what was previously accepted by the Governments of India and Pakistan, to decide freely, through an impartially held plebiscite, on their accession to one of the two countries. In political law we would call it a restricted right of self-determination, and that is literally, at least in Spanish, the right to decide freely between accession to India or to Pakistan. This seems very simple to us, and we have by no means forgotten the peculiar manner in which the States of India and Pakistan were established and the regulations which the British Crown and Parliament laid down in order to bring them into being.

When my delegation spoke of a plebiscite, which is something very different from an election, we used the words used by the Prime Minister of India in his telegram of 8 November

1947 to the Prime Minister of Pakistan, in which he said the following :

"It will thus be seen that our proposals, which we have repeatedly stated are (1) that the Government of Pakistan should publicly undertake to do its utmost to compel the raiders to withdraw from Kashmir ; (2) that the Government of India should repeat its declaration that it will withdraw its troops from Kashmir soil as soon as the raiders have withdrawn and law and order are restored ; (3) that the Governments of India and Pakistan should make a joint request to the United Nations to undertake a plebiscite in Kashmir at the earliest possible date."

This telegram was obviously sent after the arrangements made by the British Crown and Parliament. Since the Cuban delegation has always been in agreement with these principles of the distinguished Prime Minister of India, our statements have been confined solely to trying to make this plebiscite possible, for it would be the final step in resolving a serious problem dividing two great peoples, whose Governments are very distinguished Members of the United Nations.

For the foregoing reasons, my delegation will vote in favour of the draft resolution submitted to the Council by Australia, Colombia, the Philippines, the United Kingdom and the United States.

**142. Text of the Speech made by Mr. Walker
(Australia) in the Security Council
Meeting No. 803 held on
18 November 1957**

Since the members of the Council indicated their general views on this question, we have had the opportunity of hearing further statements from the representatives of India and Pakistan. It seems timely, therefore, for the Council to consider what further steps might now profitably be taken. As an expression of our concern over this situation and of our desire

to assist the Council in its consideration of it, the Australian delegation has joined with the delegations of Colombia, the Philippines, the United Kingdom and the United States in co-sponsoring the joint draft resolution contained in document S/3911, which was introduced this afternoon by the representative of the United States and supported by the representative of the United Kingdom. In view of the very clear explanations given by Mr. Wadsworth and Sir Pierson Dixon, I would wish only to offer, on behalf of the Australian delegation, some brief observations on this draft resolution now before us.

The preambular paragraphs of this draft resolution include several points which seem to us of special importance. First, the Council desires to place on record its appreciation of the assignment performed so ably by Mr Jarring, the representative of Sweden, whose report is the occasion for our meetings at this time. Secondly, the Council records its appreciation of the statements of the parties that they are desirous of co-operating with the United Nations in finding a peaceful solution to this problem. Thirdly, it notes that the Governments of India and Pakistan recognize and accept the commitments undertaken by them in the two resolutions adopted by the Commission for India and Pakistan on 13 August 1948 and 5 January 1949. It is on the basis of these two resolutions that the Council's efforts of the past nine years have been guided.

The concluding parts of the preamble express our common concern over the lack of progress and stress the importance of the demilitarization of the State of Jammu and Kashmir as one of the steps towards a settlement. I think this preamble flows very naturally from the views expressed around this table.

Now as regards the operative paragraphs, I recognize that neither of the parties will be satisfied. It is natural enough that, after expending such efforts and skill in placing their respective cases before the Council, the parties may feel some disappointment over the operative paragraphs as we have drafted them. But we have to use our own judgement as to what we

consider practicable and constructive action by the Council in all the circumstances.

I do not see that either party should object to our operative paragraph 1, though I suppose that each may feel that it has special application to the other. This is, however, a solemn appeal by the Council addressed to both Pakistan and India to assist in creating and maintaining an atmosphere favour to the promotion of further negotiations.

Paragraph 2 touches on the delicate question of the progressive implementation of the Commission's resolutions, which both parties have accepted as the framework within which a practical solution of the problem might be found. The Council may recall that on 20 October, I stated that :

"...it is a valid concern of the Council to resolve any doubts that may exist whether part I of the resolution of 13 August 1948 remains unimplemented in any respect at this time." [798th meeting, para. 10].

This finds expression both in the first and second operative paragraphs of the draft resolution. We believe that the prospects of progress being made along the lines of the two resolutions adopted by the Commission for India and Pakistan will undoubtedly be improved, if the Council and the two parties can be assured that part I of the 1948 resolution has been fully implemented. Indeed it seems all too clear that without such an assurance there would not be much hope of proceeding rapidly with the implementation of part II, which is the next logical step. As I said in my previous statement, the Australian delegation shares the view.

"...that within the framework of the Commission's resolutions and of the Security Council's own discussions and resolutions on the subject, a further investigation should now be made on whether some progress can be attempted on the problem of demilitarization in Kashmir." [*Ibid.*, para. 11].

These are the immediate objects of the draft resolution. To help the parties towards them, the Council requests the United Nations Representative for India and Pakistan, Dr. Frank P. Graham, once more to place himself at the service of the Council and calls upon the parties to co-operate with him. Dr. Graham is asked to report to the Council on his efforts as soon as possible. He has been left discretion and flexibility because we have great confidence in his experience and his intimate knowledge of the issues.

I would hope that the parties will accept this draft resolution in the spirit in which it is proposed, that is, in the hope and belief that some forward steps on this matter can and should be taken at this time.

**143. Text of the Speech made by Mr. Araujo
(Colombia) in the Security Council Meeting
No. 803 held on 18 November 1957**

My delegation has listened with particular attention and, of course, with deep respect, to the important statements made in support of their respective views by the spokesmen for India and Pakistan. We have given the same consideration to the statements of the other members of the Security Council, and we support the constructive, the really positive suggestion put forward by the representatives of the United States of America, the United Kingdom, Sweden, France and Australia in order to advance this matter and bring it to a successful conclusion. This explains my delegation's support for the joint draft resolution which it has co-sponsored together with the representatives of Australia, the United States of America, the Philippines, and the United Kingdom.

The draft resolution before us in no way, not even by a single line, changes the final goal which the Security Council has sought since 1948, with the express consent of the parties concerned, namely, that a solution to this problem should be found by means of a free and impartial plebiscite in which the peoples of Jammu and Kashmir would determine their legal

status. The fulfilment of this fundamental premise will constitute what we might call the birth certificate of a new life for these two provinces, and the incidents that have occurred have done nothing to invalidate all the proposals and resolutions adopted by the Security Council, which also reflect the position always held by the Colombian delegation in this matter.

Now we are entrusting to the skill, the intelligence, the authority and the recognized experience of Mr. Graham the task of approaching the two disputing Governments in order to diminish the areas of disagreement and to bring closer the goal I referred to previously. It is necessary, of course—and this is a basic prerequisite of the proposal which we are co-sponsoring—that the two parties should co-operate sincerely and in a real spirit of understanding with Mr. Graham.

My delegation trusts that the resentment and differences to which our proposal may at times have given rise will disappear without leaving any trace of bitterness.

So far, we have heard no other proposal which would serve peace and the settlement we have in mind so well. Therefore, until some other proposal within the framework, the limitations, and the approach laid down by the Security Council is presented to us, we must hope that the Council will give this proposal its unanimous support.

**144. Text of the Speech made by Mr. Tsiang
(China) in the Security Council Meeting
No. 803 held on 18 November 1957**

The consideration of the present item on the agenda of the Security Council, namely, the India-Pakistan question, began on 6 January 1948. As an item of our agenda, the India-Pakistan question is unique in two respects. In the first place, it is the only territorial dispute between two Asian States on the books of the United Nations. In the second place, this question has lasted longer than any other territorial dispute before the United Nations.

The consideration of this question has undergone a number of crises. I remember particularly one crisis on 10 February 1948. On that day, the distinguished leader of the Indian delegation, the much respected Mr. Gopalaswami Ayyangar, severely criticized the Security Council for what he considered an over-emphasis on the problem of the plebiscite and neglect of the Indian charge of Pakistani aggression. He told the Council that he would cease to participate in the debates of the Security Council and that he and the members of his delegation would leave New York for New Delhi.

I was by sheer accident asked by the President of the Security Council, General McNaughton, to speak. For very good reasons, I ask the President's permission to quote three paragraphs from my statement on that date.

"It was a pure accident that the President called on me to speak after the representative of India had spoken. I do not think the President had in mind that I desired to make a reply to the very grave and serious speech of the representative of India. However, I should like to take advantage of this present occasion to make one point, mainly to the delegation of India. The representative of India is disappointed with what we have done here. Whatever reasons he may have on that ground, I should like to call his attention to one fact: that, I think, the Security Council is right in recommending that the plebiscite should be free and impartial. I think, in emphasizing that point, that no member of this Council is guided by any prejudice. I think advocates of this idea are guided by the deepest concern for the welfare of the people there."

"The plebiscite is right in itself. It has been announced and accepted by the Indian Government. We are not imposing anything on the Indian Government. If you agree to a plebiscite, it must be a free and impartial plebiscite. Furthermore, it seems to me that the announcement and the establishment of a scheme of a free and

impartial plebiscite would be the most potent means to pacify the Muslims and the tribesmen. I cannot think of any other way of carrying across to the people in revolt the message that it is unnecessary for them to resort to violence and that, for their own good, they should stop violence as early as possible, because they will have a fair chance to decide their own future."

"Therefore, as to that part of Mr. Gopalaswami Ayyangar's speech, I must confess I was somewhat disappointed. I hope that he will take advantage of his return to India to explain exactly to his Government the reasons why this Security Council hopes that a really free and impartial plebiscite will be held in Jammu and Kashmir." [243rd meeting, pp. 72 and 73].

Since that time, one material difference in the circumstances has intervened. On the day when I made the speech from which I have quoted, there was bloodshed and the threat of greater bloodshed. Now, fortunately, the cease-fire has been observed, thanks to the wisdom and restraint of the two Governments concerned—and thanks, in part, to the efforts that the Security Council has made in the last ten years. In spite of this one difference in the circumstances, the sentiments which I expressed on 10 February 1948 are the sentiments that I hold today. For that reason, my delegation will support the draft resolution submitted to the Council by five States.

**145. Text of the Speech made by Mr. Romulo (Philippines)
in the Security Council Meeting No. 804
held on 20 November 1957**

The Philippine delegation has co-sponsored, with the delegations of Australia, Colombia, the United Kingdom and the United States, the draft resolution which appears in document S/3911. At the present stage which we have reached in the discussion of the India-Pakistan question, we are bound to consider what action the Council can take that would most likely promote a solution to the dispute.

One course of action would be to prolong the debate indefinitely. It would not be difficult to do this. The records of our current meetings, as well as of our meetings at the beginning of the year, show that the argumentation can proceed in an endless series of statements, replies and rebuttals, large portions of which have little or no relevance to the heart of the controversy. Obviously, the Council cannot follow this course, nor would such a course be in the long-term interest of either of the parties to the dispute.

Perhaps we could decide at a certain point in the lengthening series of rebuttals to bring the debate to an end without adopting any resolution or by approving a resolution so innocuous that it would amount to the same thing. Unfortunately, this is a question that cannot be dealt with in this manner. The great wound that is Kashmir remains an open wound and there is no sign that it will heal of itself.

Moreover, the Council did try, between the years 1952 and 1957, to submit the dispute to the process of direct negotiations between India and Pakistan. This method brought no satisfactory results.

The original complaint and counter-complaint by which the Council has been seized of this question may, of course, be withdrawn by the parties to the dispute. Or, the question may be removed from the agenda of the Council and brought to the floor of the General Assembly. In either case, action can be taken only on the express desire of the parties themselves. Therefore, unless and until there is a change of venue or there are positive signs that the question is being resolved through direct negotiations between the parties, the Council has a duty under the Charter to take necessary measures to alleviate tension in the disputed area and to promote a just and peaceful solution of the conflict.

Neither India nor Pakistan can possibly desire that this question should fester indefinitely. We are equally certain that neither of them would seek a solution by means of a *fait accompli* either through force of arms or through failure of the Council to act.

It is in this belief that the Philippine delegation has joined in co-sponsoring the draft resolution before the Council. This proposal seeks, through the intermediary of Mr. Frank P. Graham, the United Nations representative for India and Pakistan, to explore the possibilities for further action in connexion with part I of the resolution adopted by the United Nations Commission for India and Pakistan on 13 August 1948 [S/1100, para. 75], and to enter into negotiations with the Governments of India and Pakistan in order to implement part II of the resolution.

The spokesmen for India and Pakistan have affirmed that their respective Governments stand engaged by the Commission's resolutions of 13 August 1948 and 5 January 1949 [S/1196, para. 15]. It is gratifying to note that, through the long polemics of this debate, nothing has been said to indicate that either India or Pakistan desires to denounce those agreements or that it considers itself absolved of the obligation which it has contracted thereunder. We have heard it argued that one party or the other has failed to abide by certain terms of the agreement, and we have heard it said also that the agreements may become progressively more difficult to implement because of the changed and changing elements of the situation in Kashmir. But neither India nor Pakistan has taken the position that the agreements have lapsed, as it were, by prescription and should, therefore, be regarded as null and void. On the contrary, we have received fresh assurances from both Governments that it is their desire to seek a solution of their dispute on the basis of the agreements set forth in the Commission's resolutions on the sole condition that the measures contemplated therein shall be taken, step by step, in strict logical sequence.

It was on this understanding that the Council decided in February 1957 to entrust Mr. Jarring with a mission to proceed to the sub-continent. It is on this same understanding that it is now proposed to entrust a similar mission to Mr. Graham.

The ultimate objective of both missions remains the same, namely, to explore with the Governments of India and Pakistan

any proposals which are likely to contribute towards the settlement of the dispute. Under this general mandate, and as a result of his initial exploratory talks with the two Governments, Mr. Jarring decided to address himself to the possibility of getting both sides to agree to submit to an arbitrator or arbitrators, with powers of recommendation, the question of whether or not part I of the resolution of 13 August 1948 has been fully implemented. This approach failed, in the words of Mr. Jarring, because the Government of India "did not feel that arbitration, as outlined by me, would be appropriate". [S/3821, para. 19.]

Mr. Graham would doubtless be equally free to examine with the Governments of India and Pakistan any proposals whatever that would lead to the implementation of the agreements embodied in the Commission's resolutions. However, in the draft resolution [S/3911] before the Council, he is specifically requested to address himself to the question of the demilitarization of the State of Jammu and Kashmir, in particular to "a reduction of forces on each side of the cease-fire line to a specific number", and to the formulation of an agreement to this end which is to be implemented within a specified period. The proposal also calls on both sides to refrain from any statements or actions that might aggravate the situation.

The specific character of the mandate given to Mr. Graham is fully in keeping with the statements made to the Council by the representatives of India and Pakistan. The current argument between the parties has turned mainly on the issue of whether or not the cease-fire agreement has been fully implemented and whether or not it has since been violated. The representative of India, Mr. Krishna Menon, has contended that Pakistan is guilty of such repeated violations and is responsible for hostile propaganda and provocative acts against India. The Foreign Minister of Pakistan, Mr. Firoz Khan Noon, has made similar accusations against India.

The proposal to charge Mr. Graham with the task of promoting an agreement between the parties on reduction of forces on each side of the cease-fire line and to call on India and Pakistan to co-operate with him on the formulation and

implementation of demilitarization procedures is a logical and necessary answer to the mutual charges of violation that have been made here. And the request addressed to both countries to refrain from hostile propaganda or provocative acts also flows from the complaints on this score that have been lodged by each side against the other.

This is an objective and impartial proposal. In no way can it reasonably be described as a partisan proposal. It is weighted in favour of nothing and nobody except the agreements embodied in the resolutions of the Commission for India and Pakistan. And both India and Pakistan have affirmed that they stand committed to those agreements. If there is one word or clause in the draft resolution which can be shown to militate against those agreements or which can be proved to place one side at a disadvantage compared to the other in carrying out its obligations under those agreements, then my delegation for one would welcome any suggestions which would redress such defect. I would like to express the fervent hope that this proposal shall, after careful examination, be accepted in good faith by both India and Pakistan.

I would crave your indulgence, Mr. President, to address through you, to the representative of India, who I regret is absent this afternoon, a few words of gentle remonstrance. I value his friendship highly and I deeply appreciate his many acts of courteous consideration towards me. My Government maintains friendly relations with India and sincerely hopes that those relations shall proper. It is possible that my Government's notion of where justice lies in this dispute may differ from that held by the Government which my good friend Mr. Krishna Menon so ably represents here. It is also possible that my idea of where the true and lasting interest of India lies in this dispute may differ from his. But it does not follow from this difference that our views are vitiated by motives that are suspect.

Those suspicions appear to rest mainly on our membership in the South-East Asia Treaty Organization (SEATO). Those suspicions happen to be justified, but not in the sense intended by Mr. Krishna Menon. In the Pacific Charter, which

was adopted as an integral part of the Manila Pact, the Philippines and Pakistan jointly assumed with five other States the solemn undertaking "to uphold the principle of equal rights and self-determination of peoples". This obligation is shared by the other members of the SEATO alliance that also happen to be members of the Security Council, namely, the United States, the United Kingdom, France, and Australia. But since this principle was lifted word for word from the Charter of the United Nations, it is clear that all the other members of the Council, including India, are equally committed to the principle of self-determination of peoples.

Finally, I would assure our distinguished friend from India that my Government does not consider this question as mainly or exclusively the concern of the great Powers. Nor do we approach this question as an aspects of great Power relations with political under-tones that might conceivably influence our judgement. All countries, great and small, have a stake in the principles involved in the dispute : considerations of justice and equity, the honouring of international agreements, respect for the principle of self-determination of peoples, the integrity of decisions of the Security Council and its organs, and support of the Council's efforts to comply with its primary responsibility under the Charter to maintain international peace and security.

It is in this spirit that I would beg him to believe that during this discussion I have spoken to him as one Asian to another Asian, on behalf of a small Asian country speaking to a far greater one whose words and actions here, on this embittered question of Kashmir, can do much either to illumine, or becloud our common Asian dream of a better world order of peace and freedom based on justice.

146. Text of the Speech made by President Mr. Hashim Jawad as the representative of Iraq in the Security Council Meeting No. 804 held on 20 November 1957

I have listened most carefully to the statements made by the representatives of India and Pakistan on Mr. Jarring's

report [S/3821] as well as to the opinions expressed thereupon by members of the Council. During the present series of meetings as well as in the previous ones since Iraq was elected to the Security Council, there was occasion to review the whole history of the case with endeavours by both parties to the dispute to throw some light on the nature, origin and development of the problem. My Government, however, remains convinced that its views on the question, which were based on an objective appraisal of the facts connected therewith, are still valid. The ultimate goal has been and still is to decide the future of Kashmir by means of a free and impartial plebiscite, and the fundamental issue impeding the achievement of this goal has been the failure to create satisfactory conditions for carrying out the plebiscite.

A number of the resolutions adopted by the Council reflect the principles according to which a settlement should be sought. The series of endeavours made by the United Nations representatives up to the end of 1952 were directed towards overcoming the obstacles which stood in the way of implementing the principles initiated in the decisions of the Council. Although a number of years have elapsed since the Council had occasion to consider the question, Mr. Jarring has emphasized in his report that the basis for a departure on a new endeavour at settlement is still the two resolutions adopted by the Commission for India and Pakistan on 13 August 1948 and 5 January 1949, which both Governments consider binding.

Thus the problem in its 1957 setup remains within the context of the Council's resolutions up to 1952 and revolves around the search for means of implementing the two resolutions. In this connexion, Mr. Jarring has pointed out that despite the lack of progress made with regard to the implementation of these two resolutions, a state which could be described as a stalemate, both parties are still desirous of finding a solution to the problem. It should, however, be recalled that the explanations given by the representatives of India and Pakistan with regard to the implementation of Part I of the resolution of

13 August 1948 show the existence of differences between the two parties to the dispute.

The main difference as presented by both parties centres around the augmentation of the forces after the cease-fire. This is a very real problem which, if true, runs contrary to part I, paragraph B, of the resolution of 13 August 1948. We have already stated our opinion in respect of the adherence of Pakistan to the recommendations contained in part I, paragraph B, and we do not wish to repeat it now. We know, at the same time, how much importance the Council has attached to the question of demilitarization and the great bearing this question has on reaching a settlement. In fact, the reports of Dr. Graham which covered his efforts to bring the two parties to agree to his twelve proposals [S/2375, *annex 2*] centred around solving the question of the quantum of military forces—that is, the specific number of forces which should remain on either side of the cease-fire line. His proposals, however, did not bring agreement between the two parties, and therefore the central point of demilitarization remained unsolved. This stage, it should be recalled, was reached by the end of 1952. The Council's resolution of 23 December 1952 [S/2883] failed to bring about an agreement, and Dr. Graham's fifth report [S/2967] provided a pointer to that effect.

We note that after a period of five years some members of the Council think it appropriate that a new effort for solving this deadlock should be made, starting from the point where it was left off in 1952. This approach is indicated in paragraph 2 of the operative part of the joint draft resolution [S/3911].

Although it is our sincere desire to collaborate in finding some basis for advancing towards a settlement of the dispute, we feel, in the light of the arguments presented on the question of the military situation, that the joint draft resolution deals only partially with the real issue. Furthermore, we fear that the procedure suggested might lead to a prolongation of the existing state of affairs, as we are very much discouraged by the attitude of India, firstly, in respect of its assumed legal position in the State of Jammu and Kashmir and, secondly, by its effort

at introducing a number of alien elements into the issue of demilitarization. For these and other reasons, we are inclined to think that the procedures suggested in paragraph 2 and 3 of the operative part of the point draft resolution, though following logically upon the elements which were previously envisaged in the general framework of the settlement, fall short in meeting the requirements of the case as it stands at the present time.

We believe that the representative of Pakistan, who has shown the sincere and keen desire of his Government to assist the Council in reaching a decision which would lead to breaking the deadlock and would provide grounds for a final settlement of the dispute, has made very constructive suggestions. As it is the consensus of opinion in the Council that demilitarization is a prerequisite to the holding of the plebiscite and that efforts have so far failed to bring about an agreement on this point, it is only logical that we should proceed by another path in order to reach the same objective—the objective being the creation of conditions favourable for the holding of a plebiscite.

The representative of Pakistan suggested very sound and practical methods for the solution of the question of demilitarization. He stated in his first settlement to the Council :

“In order to facilitate the task of the Security Council in demilitarizing Jammu and Kashmir as well as to end the long-drawn-out arguments about the implementation of the Commission's resolutions so far as Pakistan is concerned, I would urge that all troops, whether of India or Pakistan, should be withdrawn from the cease-fire line and a United Nations force be stationed on the cease-fire line to prevent any violation of the line. Alternatively, the Government of Pakistan would be prepared to remove immediately every Pakistan soldier on the Pakistan side of the cease-fire line provided a United Nations force, strong enough to defend these areas and ensure their integrity, is stationed beforehand along the cease-fire line ; and provided that India reduces its own troops to the level prescribed by the Security Council in

its resolution of 23 December 1952 [S/2883]. India cannot object to this course being adopted, which safeguards it from any possible attack from the Pakistan side. Nor should India have objection to a United Nations force being posted in the territory of the State of Jammu and Kashmir, which at present is neither Indian nor Pakistan territory, particularly since such a force will be stationed only on the Pakistan side of the cease-fire." [191st meeting, para 79].

These suggestions, in our opinion, are the proper answer to the deadlock of which Mr. Jarring spoke in his report, to the objections raised by the Indian Government on the specific question of the augmentation of military potential on the Pakistan side, and to the doubts expressed by certain quarters as to the possibilities of the Security Council to settle disputes of an acute character. It has, furthermore, come from a party to the dispute—a fact which guarantees 100 per cent co-operation on its part. Last but not least, the implementation of such a plan would uncover the true intentions of the parties concerned in their international relations.

It will have been noted that we do not completely agree with the procedure suggested in the joint draft resolution. But I should make it clear that, because my Government desires that every effort should be made to advance towards a settlement of the Kashmir dispute, and because the present joint draft resolution is the only proposal containing measures which might lead to widening the areas of agreement between the two parties, and in view of the fact that, despite its drawbacks, it provides an approach consistent with the practice followed in settling international disputes, we shall consequently vote for its adoption. We should have preferred, however, to see the Council adopt a procedure similar in essence to that suggested by the representative of Pakistan, as that suggestion seems to be practical and in conformity with the principles of the Charter.

In conclusion, I should like to say that, in his statements, the representative of India referred to certain aspects of my

country's foreign policy and tried to interpret certain engagements in a way which is completely alien to our understanding and intentions. I do not, however, desire to reply to his statements, as such a reply would be, as the statements themselves, irrelevant to the question we are discussing and would contribute in no way to its advancement. On the other hand, my country cherishes great respect and friendship for the Indian people, and we prefer therefore to overlook certain personal excesses. Since the desire of my Government is to lessen and remove the existing tension between India and Pakistan through the settlement of the Kashmir dispute, I feel certain that, when normal conditions are established between the two neighbouring countries, the Indian Government will view the efforts of a small country like mine in another perspective. Mr. Krishna Menon will find out that we are a people who could, as Shakespeare said, "feel the future in the instant." The future is always stirring beneath the surface of the present, and it is therefore those who live closest to their time that can surely sense the future.

**147. Text of the Speech made by Mr. Sobolev (Union
of Soviet Socialist Republics) in the Security
Council Meeting No. 805 held on
21 November 1957**

The Soviet delegation stated its position [799th meeting] on the Kashmir question at the time of the discussion of Mr. Jarring's report [S/3821]. The Security Council is now considering the draft resolution sponsored by the delegations of the United States, the United Kingdom, Australia, Colombia and the Philippines [S/3911].

In connexion with this draft resolution it should be remembered that the Kashmir question has been on the agenda of the Security Council for almost ten years, and during that period a considerable amount of time and effort has been devoted to its discussion. However, no satisfactory solution has yet been found, chiefly because of the position adopted by the Western

Powers which have been trying to use the Kashmir question to carry through their own political plans and impose on one of the parties a decision unacceptable to it.

Led by the Western Powers, the Security Council adopted resolutions establishing the United Nations Commission for India and Pakistan and a number of conciliatory missions. All these resolutions, as the experience of many years has shown, diverted the attention of the Security Council from the heart of the problem. This course of action led the Council into protracted and fruitless debate, while the Western Powers and in the first place the United States of America used the time to open the way for penetration into the strategically important area of Kashmir. It should be noted that they have been successful in their schemes. The fact that Pakistan was encouraged to carry out military preparations and that it was given large-scale military assistance has exposed the intentions of the Western Powers which have been helping to the turn the part of Kashmir occupied by Pakistan into a fortified strategic outpost.

It is obvious that the Kashmir question could not remain unaffected by such events as the equipping of the Pakistan armed forces and at the same time of the "Azad" forces with modern United States weapons, and the construction of military bases and airfields on which jet aircraft were concentrated. These facts which testify to the increased military potential of Pakistan, coupled with the entry of that country into military blocs built up by the United States of America in that area of the world, exacerbate relations between India and Pakistan and impede the peaceful settlement of the Kashmir question.

In our view, India, which is pursuing a peaceful foreign policy, has cause for concern. The Pakistan Government has been taking military measures with the support of States which not long ago showed that in order to achieve their aims they would not shrink from resorting to armed force.

The change in the balance of power and the increased tension in that area of Asia give rise to deep anxiety in peace-loving countries and throughout the world. This same anxiety was reflected in Mr. Jarring's report.

Mr. Jarring stressed in particular the need for a new constructive approach to the Kashmir question and said :

"The Council will, furthermore, be aware of the fact that the implementation of international agreements of an *ad hoc* character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope tended to change." [S/3821, para 21.]

The Soviet delegation attaches importance to these practical considerations and believes that the Security Council can take no decision on the Kashmir question without taking them into account. We had hoped that the other members of the Security Council would also take account of such cogent arguments. However, the statements made by the representatives of the Western Powers in the Security Council show that they continue as before to disregard the present situation in Kashmir. This becomes even more evident in the five-Power draft resolution [S/3911].

The first question which arises is whether the draft resolution takes into account the protracted discussion of the Kashmir question in the Security Council and the position of the parties as stated by them, and whether it reflects the substantial changes which have taken place in the Kashmir area and in the state of international relations. There can be but one reply. The draft resolution seems to have been produced in a vacuum.

The draft resolution proposes that we should once again seek a solution of the Kashmir question along lines which, as many years of experience have shown, cannot lead to satisfactory results. The sponsors of the draft resolution are again urging the security Council to adopt the course mapped out by some of its previous resolutions, which, like the recommendations of the United Nations Representative for India and Pakistan, have failed to stand the test of time.

Although everyone knows that Mr. Graham, the United Nations Representative, admitted five years ago that his proposals were unacceptable to both parties, the authors of the draft

resolution are again proposing that they should be taken as a basis for discussion. The Indian representative has already stated in the Council that those proposals are unacceptable to India. The question arises : what is the use of adopting one more resolution, which instead of offering constructive proposals that would meet present-day needs simply repeats proposals which experience has shown to be futile and which do nothing to further a pacific settlement of the Kashmir question ?

The draft resolution lays stress on the implementation of measures which its authors describe as "demilitarization". In this connexion, it is pertinent to ask one of the sponsors, the United States representative, whether the proposal for demilitarization also includes calling a halt to the shipment of United States arms to Pakistan for re-equipping its army and to the construction of military bases ? It cannot be denied that the large-scale military assistance given to Pakistan by the United States aggravates the situation in the Kashmir area, creates new obstacles in the way of a settlement of the Kashmir question, and is incompatible with demilitarization.

Mr. Jarring's report testifies to the need for a new realistic approach to the settlement of the question. In it he concludes that implementation of the resolutions of the United Nations Commission for India and Pakistan is impeded by the deadlock reached with regard to carrying out part I of the resolution of 13 August 1948, which provides that a favourable atmosphere should be created and military potential should not be increased. As is clear from the facts that have been cited in meetings of the Security Council, this deadlock is the result of Pakistan's failure to carry out its obligations under that resolution. This is a circumstances that must be taken into account in any new decision by the Security Council.

The representatives of the United States and the United Kingdom attempted to present their draft resolution in the light of a compromise, calling for mutual concessions by both parties. In actual fact, as the discussion in the Security Council showed, the draft resolution under discussion satisfies only one party Pakistan ; it does not make India's position into account, but rather attempts to impose on it a decision it finds unacceptable.

It is obvious that such attempts are contrary to the provisions of the United Nations Charter for the peaceful settlement of disputes between States. These provisions prohibit the imposition of any decisions upon States Members of the United Nations.

In these circumstances, the statement of the United States representative that "no final settlement of the Kashmir problem can be reached except on an amicable basis acceptable to both parties" [803rd meeting, para 26] is purely declaratory: for the United States to refrain from imposing on the parties decisions unacceptable to them would be of far greater use.

The Security Council cannot disregard the Indian Government's statement that the draft resolution under consideration is unacceptable to it. We must not forget that we are seeking means of a peaceful settlement of the dispute between India and Pakistan, and that it is therefore the Security Council's duty to look for such methods and measures as would be acceptable to both parties. The USSR delegation wishes to draw the attention of the members of the Security Council to the serious consequences which could result from the adoption by the Council of a decision that would only complicate an already tense situation in that part of Asia.

The USSR delegation expresses the hope that the Security Council will not take the path which the sponsors of the draft resolution are trying to make it take—for it is a path that cannot lead to a peaceful settlement of the Kashmir question and that it will reject the draft resolution.

The USSR delegation cannot support the draft resolution submitted by the United States, the United Kingdom and some other countries, and it will vote against it.

**148. Text of the Speech made by Mr. Sobolev
(Union of Soviet Socialist Republics)
in the Security Council Meeting
No. 808 held on 2 December 1957**

Before the Security Council votes on the draft resolution submitted by five Powers [S/3911] and amended as proposed by

the Swedish representative, the delegation of the Soviet Union feels obliged to recall once again its position in principle on the Kashmir question, namely, that the discussion of the question in the Security Council should not be used as a pretext for outside interference in the affairs of Asian countries or for imposing an alien will upon them in any form.

From this point of view, the Soviet delegation continues to regard as inexpedient, and protests against, any attempts to impose upon the parties any kind of mediatory mission. It considers that the most suitable method of settling the differences between India and Pakistan in connexion with the Kashmir question would be by direct negotiation between the parties; this would, in our opinion, best meet the interests of those parties.

The Soviet delegation therefore considers that, in the circumstances, the Security Council should give assistance to the parties along these lines and should refuse to endorse the property draft resolution, the amended version of which stage suffers from a number of serious shortcomings.

As the Soviet delegation has already pointed out, the draft resolution fails to reflect changes in political, economic and strategic factors of the Kashmir question and the changing relationship of forces in that part of Asia.

The draft resolution still by-passes Mr. Jarring's conclusion that an obstacle to the implementation of the resolution of the United Nations Commission for India and Pakistan is the deadlock reached in carrying out part I of the resolution of 13 August 1948 [*S/1100, para. 75*], proposing that the parties should promote the creation of a favourable atmosphere and should refrain from increasing the military potential in Kashmir. At the same time, the Security Council has heard evidence that United States arms are still being supplied, and bases are being built, to increase Pakistan's military potential in Kashmir and that tension is being aggravated in the area through the intensification of the anti-Indian campaign.

In our opinion, these activities are complicating the situation in the Kashmir region and should be considered first in any attempts to find a peaceful solution of the Kashmir problem,

Instead of this, however, the draft resolution, as we have already pointed out, lays primary emphasis on the question of "demilitarization", although the meaning of the notion of "demilitarization" is not disclosed. As we know, the notion of "demilitarization" is not found in the resolutions of the Commission for India and Pakistan. It is therefore not clear what is meant by that word. Until this is made clear, the word "demilitarization" can mean either a great deal, or very little. According to statements made by some representatives in the Security Council, the meaning they ascribe to "demilitarization" is not, for example, the cessation of the rearming of the Pakistan Army and of the building of bases in the region, which, as has frequently been pointed out, are the principal causes of tension. These representatives mainly dwelt on the question of reducing the armed forces on both sides of the line, although this is a secondary problem at the present time. In our opinion, to consider the problem thus is to evade the essential reasons for tension in the region.

If any resolution is to be adopted, the most correct course would be to delete the paragraph on demilitarization from the resolution. I have in mind the part of the preamble to the five-Power draft resolution which reads :

"Considering the importance which it has attached to the demilitarization of the State of Jammu and Kashmir as one of the steps towards a settlement".

For the above reasons, the Soviet delegation cannot support the draft resolution even in its amended form.

149. Text of the Speech made by Mr. Wadsworth (United States of America) in the Security Council Meeting No. 808 held on 2 December 1957

I should like to say just a few words about our support of the Swedish amendments, and now of the amended draft resolution, and also briefly to exercise my right of reply in connexion with the comments of the representative of the Union

of Soviet Socialist Republics about the United State earlier in our discussions and to a lesser extent perhaps, his comments today.

The burden of the complaint of the USSR was that the United States of America gives military aid to Pakistan. Little else need be said about it than that, except that he sought to utilize this fact to convert the Security Council's consideration of the Kashmir problem from a serious attempt to solve a difficult issue into an exercise in power politics. The United States is glad to co-operate in a collective security arrangement with Pakistan, the reasons for which are found in Soviet policies in action. We are also glad to maintain friendly relations with India, a fact which was referred to by the Indian representative during our discussion in this Council.

We are pleased that the Council has acted soberly and responsibly and has not been drawn into the cold war atmosphere which the representative of the USSR sought to instill. We sincerely hope that the adoption of the resolution which we have just passed will assist in bringing the Kashmir problem to a final solution.

We voted for the amendments submitted by the representative of Sweden because we considered them to be consistent with the purpose of the original draft resolution and because they seemed helpful in enabling the parties to receive the United Nations representative. As was the case with the original draft resolution, the amendments direct the United Nations representative to seek to bring about the implementation of the resolutions of the United Nations Commission for India and Pakistan, and we continue to believe that in doing this it is important to make progress on demilitarization, as the preamble to the resolution continues to reflect. The amendments are also directed towards achieving a peaceful settlement, and this is fully consistent with the reference in the preamble to the statement by both parties that this is what they desire.

As we have stated often, and as we wish to repeat again today, if a final solution is to be reached it is fundamental that both parties must agree. The only agreed method of reaching

a solution so far is set out in the resolutions of the Commission for India and Pakistan. The reference to them in the preamble continues to reflect the common understanding on this point.

We hope that Dr. Frank P. Graham will have a successful trip to the sub-continent, and we hope that both India and Pakistan will—and we are sure that they will—co-operate with him sincerely and earnestly in seeking to achieve the objectives of his mission.

150. Text of the Speech made by Sir Pierson Dixon (United Kingdom) in the Security Council Meeting No. 808 held on 2 December 1957

The resolution which has just been adopted by the Security Council will, we hope, be a contribution towards a solution of the problem of Kashmir. If it is read as a whole, I am confident that that will be its effect.

I should like to express my Government's gratitude to the representative of Sweden for his timely and constructive initiative. He has once again placed the Governments concerned and the Security Council in his debt.

I should also like to say a word in reply to the statements which have been made in this Council by the Soviet Union representative. I was disappointed, if not particularly surprised, by Mr. Sobolev's statement at the Council's meeting on 21 November, that he intended to vote against the draft resolution of which the United Kingdom was one of the sponsors [805th meeting, para. 81]. I do not propose to discuss today, at this late stage, the motives which led the Soviet Union to take that decision. I would only say what I think is evident to all: that if the Soviet Union had carried out this statement of intention the situation with which we are dealing would have been greatly complicated; the atmosphere would have become even more embittered; and our hopes of modest progress towards a solution would have been diminished.

I should like to convey our good wishes to Mr. Graham in the task with which he is now entrusted. We know that it

is not an easy task, but we are confident that he will discharge it with his habitual integrity and skill. We in the United Kingdom are fully aware of the difficulties in the way of finding a solution to this problem. For a number of reasons, we find ourselves living rather close to it. We do not expect Mr. Graham to produce a final, ready-made solution. We do, however, hope that he may be able to accomplish some step forward in the direction of a settlement.

Finally, I should like to appeal to the Governments of India and Pakistan to extend to Mr. Graham, as the representative of the United Nations, their full co-operation.

**151. Text of the Speech made by Mr. T.F. Tsiang
(China) in the Security Council Meeting No. 808
held on 2 December 1957**

The resolution which the Security Council has adopted today is, in my opinion, a moderate and constructive approach to the problem. It is certainly a step in the right direction. My delegation hopes that it will lead to a solution of the problem.

The final word in this whole problem does not belong to any member of the Security Council, or to the Council as a whole, or to the representatives of India or Pakistan who are sitting at this table. The final word as to the future of the State of Jammu and Kashmir belongs to the people of Kashmir. When that final word is given to the world through a free and fair plebiscite, the problem will be solved. Until that final word is given, I am afraid that the problem will remain with us. I hope that Mr. Graham's efforts will bring closer that day when the people of Kashmir will be enabled to tell the whole world what their own choice is.

**152. Text of the Speech made by Mr. Morozov (Union of
Soviet Socialist Republics) in the Security Council
Meeting No. 1010 held on 4 May 1962**

Gentlemen, after almost five years, the Security Council is once again obliged, on the initiative of Pakistan, to examine

the so-called question of Kashmir. As early as the beginning of this year, as you know, attempts were made to secure urgent consideration of this question in the Security Council. In the Pakistan letter of 29 January 1962 [S/5068] it is stated that :
“.. a very grave situation prevails between India and Pakistan which calls for immediate consideration by the Security Council.

It should be pointed out at once that even then it was obvious to anyone who studied this representation carefully that there were no grounds for the assertion that India, by its actions in the Kashmir region, was creating a threat to international peace and security. For this reason, as you will doubtless recall, as early as 1 February 1962 [990th meeting] the representative of the Soviet Union in the Security Council, V.A. Zorin, rightly observed that there was no need to call a meeting of the Security Council on the Kashmir question.

Now, after hearing out the six-hour speech made by the representative of Pakistan, those who listened to him and studied the text of his statement objectively will note first of all that in spite of its length, this speech contains no new circumstances to supplement those which representatives of that country have referred to during the discussions which have occupied nearly a hundred meetings of the Security Council devoted in various years, starting in 1948 and continuing until 1957, to the consideration of this question. Now, as then, there are no grounds for accusing India of creating a threat to peace and security in the Kashmir region.

If we cast our minds back over the period separating us from the last discussion of the Kashmir question in the Security Council four and a half years ago, we shall find that the main, the basic fact, is the continuing occupation of one third of the territory of Kashmir by Pakistan forces. On the other hand, not one objective investigator can adduce, in respect of that period, a single fact to indicate that India has used, or proposes to use, force in that region.

If we are to speak of new facts relating to the period mentioned, these new facts consist in the situation's definite

normalization, which is evident in that considerable part of Kashmir which is under the jurisdiction of India.

One cannot avoid noting, in this connexion, certain indisputable facts which bear witness to the undoubted progress achieved by the people of Kashmir in that part of the territory since the cessation of military activities. We venture to refer to certain data drawn from the document which the delegation of India yesterday asked should be distributed here as an official document. We shall mention some of the facts which have not yet been referred to here. Here are a few figures characterizing, in very spare and unvarnished terms, the real situation now obtaining in that part of the territory which is under the direct administration of India.

Total capital investment in the economy of Kashmir has increased more than twofold ; per caput income has increased by 20 per cent ; food production has increased from 300,000 to 500,000 tons ; the amount of electric power produced has increased almost four times ; the number of industrial undertakings has increased almost threefold ; per caput expenditure on public health services has increased six times ; the number of hospitals and other medical establishments has increased almost fourfold ; and finally, gentlemen, as a result of this indubitable progress, the population's average life expectancy has risen from thirty-two to forty-seven years.

These then are the really new facts, if we are going to speak of new facts, relating to what has happened in recent years in this part of Kashmir.

Having said this, I should remark that some of you may think or say that it would be more appropriate to put forward facts of this kind, not in the Security Council Chamber, but in the neighbouring Economic and Social Council Chamber which is a more suitable place for statements showing improvements in the standards of living and economies of individual countries.

These new facts do, of course, merit the attention of the Economic and Social Council. But it is quite deliberately that we mention them on the present occasion ; for we wish to show with all the emphasis at our command that, when the ground-

less assertion is made over and over again that the people of Kashmir has not exercised its right to national self-determination, these data, together with the fact that the population of Kashmir has during the period in question more than once expressed its will through general elections, have not only economic and social but, above all, political significance. Therefore, from our point of view, the document submitted here by the Indian delegation is quite rightly headed : "Jammu and Kashmir—Development in Freedom."

We cannot fail to observe that in the light of these real facts a note of definite discord was sounded by the assertion made in the speech of the representative of Pakistan [1007th and 1008th meetings], who, as if purposely, attempted to paint the present situation in the region of Kashmir in sombre colours. An obvious discord, or, as the representative of India, Mr. Krishna Menon, said here [1009th meeting], the shadow of a threat was contained in this assertion by the Pakistan representative. I want to give two quotations from the statement of the representative of Pakistan, because they seem to me important for an explanation of the position now assumed by the Pakistan delegation on this question in the Security Council :

"If the Security Council does not want the elements in the State who started the liberation battle to start again, if the Security Council does not desire that the tribesmen should get out of hand and pour into Kashmir again, if the Security Council does not desire that the people of Pakistan should get out of hand and—if I may mix the metaphor—take the bit between their teeth and run away with the whole system of ordered government and if the Security Council does not desire that powerful neighbouring States should plunge into the vortex when it starts again, the Security Council had better take note of the realities of the situation." [1007th meeting, para. 63.]

And further on, we read :

"And if it boils up again, it will not then be confined to

where it was confined in those days—a local struggle in the State of Jammu and Kashmir.” [*Ibid.*, para. 64.]

Here, gentlemen, every word is a threat to use armed force—and not only a threat to use it in the Kashmir region, but in fact a threat to draw practically the whole world into an armed conflict. Nobody, of course, can be led astray by the words regarding the so-called “liberation battle”, for it is known that these words have served in the past and still serve, merely as a cover for the invasion of Kashmir territory by the Pakistan forces and the presence of these forces on part of that territory at the present time. I shall not go into the history of this invasion now. Hundreds of meetings have been devoted by the Council to the examination of the Kashmir question, and the records of these meetings contain a sufficient wealth of factual material. The representative of India has already recalled here the dark and tragic picture of this invasion, which it then was and still is groundlessly sought to represent as a so-called “liberation battle”.

We shall merely recall—and this perhaps might prove useful—that the invasion of the territory of Kashmir by Pakistan forces is noted, in objective yet extremely definite terms; in the resolution adopted on 13 August 1948 by the United Nations Commission for India and Pakistan—a resolution which was later confirmed by the Security Council, a resolution which was not rejected by Pakistan at the time.

References have already been made here to this key document, and further references will be made—and with justification. I ask you to forgive me for not, in my turn, being able to avoid quoting certain vital or material provisions of this document. For example, in part II, Section A, paragraph 1, we read :

“As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the

Government of Pakistan agrees to withdraw its troops from that State."

I would draw attention to the last phrase: "the Government of Pakistan agrees to withdraw its troops from that State."

And I quote paragraph 2 :

"The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting."

Here in some sort—rather lyrically told, and I would have said rather toned down—is the story of the picture which the representative of India drew yesterday in the Council. Here it mentions that they "entered the State for the purpose of fighting". Here are the calm and quite objective lines confirming the fact of armed aggression against Kashmir. It is known, however, that this decision for the withdrawal of the Pakistan troops, this provision of the resolution, has never been implemented. And now, here at a meeting of the Security Council, before the eyes of the whole world, as we became convinced in listening to the statement of the representative of Pakistan, they again openly threaten to repeat the invasion of Kashmir, and moreover, on an even larger scale.

One thinks involuntarily, gentlemen, of the connexion between the new and bellicose statements—made after a long interval—and these feverish military preparations and the flow of foreign arms into countries which are members of the well-known military blocs of CENTO and SEATO.

Will you now kindly turn your thoughts to what happened here yesterday at the meeting of the Security Council. Compare these war like declarations with what was said here yesterday by the distinguished Defence Minister of India,

Mr. Krishna Menon. I do not yet possess the text of the provisional verbatim record, so am obliged to speak from the notes when I made during the meeting and from the statements to the press which were published. Nevertheless, I think, that I shall be able to convey the sense of his statement accurately. The sense of the statement is clear. It is as the representative of India said, that the Government of India will not take the initiative in military action and India will not use force if force is not used against India.

It was particularly stressed that, despite India's rights in respect to the one third of Kashmir which the Pakistan troops continue to occupy, India will continue to seek a peaceful settlement and will not begin military operations, as I say, if military operation are not begun against it.

Gentlemen, a comparison of the two statements which we have heard, those of Pakistan and India, needs no comment. On the one hand we hear warlike sabre-rattling and see the continuing occupation by force of part of the territory of Kashmir while the other side displays extreme restraint, patience and a love of peace in keeping with the general line of the neutral and peaceful policy followed by India.

It seems hardly necessary to return in any detail to the discussions which have taken place in previous years in the Security Council on the Kashmir question. It is impossible to analyse in any detail the dozens of different references and quotations contained in the last statement of the representative of Pakistan. Indeed it would be impossible with any regard for seriousness to calculate, as the distinguished Muhammad Zafrulla Khan tried to do, how many of the young people in the territory of Kashmir cried "Long live Pakistan" or "Long live India" in the public places, and how the local police reacted to these cries ; or enter upon a discussion of dozens and dozens of trifling and irrelevant facts out of which an attempt was none the less made here, as with tiny stones for a mosaic, to create an unreal picture of the present situation in Kashmir. In this connexion, we can only suggest that there is evidently still some force in the ancient saying : "He who proves too much proves nothing."

However, from amongst the matters connected with the history of the Kashmir question and the previous discussion of this question in meetings of the Security Council, I should like to deal with two really important issues which were raised at the earlier discussions and which have already been touched upon in the course of the debate at the Council's present meeting. We will confine ourselves to these two questions, dealing with them very briefly.

These questions are the withdrawal of troops from the territory of Kashmir, and the so-called plebiscite. Not only objective analysis of the wealth of documentation on this subject, but even the representatives of Pakistan cannot deny that the plebiscite, which was unquestionably a compromise measure, was contemplated and could have taken place fourteen years ago only subject to the proviso that the Pakistan troops, who, as is known, had invaded the territory of Kashmir in 1947, were withdrawn.

In the resolution of the United Nations Commission dated 5 January 1949, we read in paragraph 2 the following :

"A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in parts I and II of the Commission's resolution of 13 August 1948 have been carried out..."

And what are the provisions in part II of the resolution of 13 August 1948 which are mentioned ?

If we turn to part II of section B of that resolution, we read in paragraph 1 :

"When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and

Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission."

We have already said that the conditions, according to which the Pakistan troops should have been withdrawn from the principality of Jammu and Kashmir, have not been complied with. Therefore we agree that, in accordance with the text of the resolutions mentioned, and also in accordance with the generally accepted principles of international law, to which Mr. Krishna Menon rightly referred here yesterday, the question of holding a plebiscite has lapsed, since the provisions which were a condition for holding it have never been fulfilled.

In order to justify the failure to comply with the obligations regarding the withdrawal of Pakistan troops from the territory of Kashmir, as you know, gentlemen, assertions which were advanced many years ago are not being repeated anew, in the same—and also in slightly altered—form, claiming that the resolution of 13 August 1948 provided for the simultaneous withdrawal of both Pakistan and Indian troops.

It must be said that at times this opinion has been put forward in completely undisguised form. Let us take, for example, the Graham report of 31 March 1958. In this document we read :

"They [the Government of Pakistan] informed me further that they were prepared to withdraw the Pakistan troops from the State of Jammu and Kashmir simultaneously with the withdrawal of the bulk of the Indian forces from the State .."

In other cases, the same statement has been made in somewhat different form. They have spoken, and are speaking now, of a so-called synchronized withdrawal of the troops of India and Pakistan, or a so-called demilitarization of Kashmir. The most recent statement of the representative of Pakistan at a meeting of the Council leaves no doubt that today the so-called synchronization or demilitarization of Kashmir implies

the same incorrect interpretation of the resolution of 13 August 1948—in other words, the proposition that the withdrawals of Pakistan and of Indian forces from the territory of Kashmir should begin simultaneously.

It is hardly worth wasting time or effort in proving that references of such a kind contradict the text of the resolution of 13 August 1948, since this resolution provides clearly that Pakistan must first withdraw all its forces from the entire territory of Kashmir.

That is why the present new attempts, after the passing of fourteen years, to make India responsible for the collapse of the plan to hold a plebiscite in Kashmir at that time are groundless.

We have made this small historical excursion in order to demonstrate further that the plebiscite—which in the given conditions of 1948 could have had a definite meaning if the key condition mentioned by us, the withdrawal in the first place of all Pakistan forces from the whole territory of Kashmir, had been observed—has now fourteen years later, in the light of entirely different circumstances, and because life has not stood still but has moved forward, lost any significance whatsoever.

As we shall show presently, and as has already been shown here in the convincing statement of the distinguished representative of India, the people of Kashmir, in the years since that time, has been able to express its will in a sufficiently definite manner. Let us look at some facts. It is known that the Indian Independence Act passed by the British Parliament on 18 June 1947 ended British rule in India on 15 August 1947. This Act provided for the creation, as from that date of a new State—Pakistan—through the detaching of certain regions in the north-west and east of British India.

We may recall that, in accordance with the Act, some 565 Indian States, which up to that time had been directly governed by Indian princes and rulers, became free to link their future with whichever of the two Dominions they chose. The provisions applying in particular to the procedure for the adherence of Indian States to the Union of India were

contained in the Constitution of India, which entered into force on 15 August 1947.

This provision stated that an Indian State should be deemed to be accepted into the Dominion if the Governor-General had recognized the agreement on association drawn up by the ruler.

The Constitution also provided that the Indian States which had associated themselves in this way became an integral part of the Union of India. We would further recall that almost all the States joined either India or Pakistan at different times after 15 August 1947. In each case the agreement on association was signed by the ruler, as required by law.

On 26 October 1947, as has already been mentioned here, the ruler of Jammu and Kashmir drew up an agreement on association with India, in strict accordance with the constitutional form and procedure which we have just recalled. The Governor-General of India, Lord Mountbatten, endorsed the agreement on association on 27 October 1947.

It is important to stress that this document is identical with hundreds of other agreements with States which joined either India or Pakistan.

Thus, as has already been noted here, Jammu and Kashmir became, as from 27 October 1947, a State forming part of the Union of India. Strictly speaking, this agreement alone - from the standpoint both of national legislation and of international law - was sufficient for Jammu and Kashmir to be considered an integral part of India.

However, the matter did not end there. In 1951, 1957 and 1962, elections were held within the framework of the Constitution of India, including general elections in 1957 and 1962, in which an overwhelming majority of the population of Kashmir very clearly expressed its will.

Statements have been made here—and may be made again—as to the need to effect new studies and investigations of some sort, to adopt arbitration procedure, with a view to establishing the circumstances and reasons which have made it impossible, up to now, to regard the position throughout Kashmir as having been normalized.

The Soviet delegation considers that in the light of the analysis of the circumstances which have been adduced here during the meetings of the Council, in the light of the circumstances which we have just stated to the Council, in the light of the real situation which has developed in the course of recent years in the region under discussion, such measures or proposals could only exacerbate the Kashmir question and increase the temperature and tension. The adoption of such decisions could not, in our opinion, serve the cause of the strengthening of international peace and security. Such decisions would be calculated only, as before, to create an atmosphere of uncertainty and anxiety, to call in question the indisputable fact that Kashmir is an integral part of India.

This is why the Soviet delegation, in the light of all the circumstances just described, cannot allow the adoption of such proposals. The position of the Soviet Union on the Kashmir question has been stated on numerous occasions at meetings of the Security Council. It is clear and precise to the highest degree. The question of Kashmir, which is one of the States of the Republic of India and forms an integral part of India, has been decided by the people of Kashmir itself. The people of Kashmir has decided this matter in accordance with the principles of democracy and in the interest of strengthening friendly relations between the peoples of this region.

As Mr. N.S. Khrushchev pointed out in 1955, the population of Kashmir does not want Kashmir to become a toy in the hands of imperialist forces. And a policy based on the principle of "divide and rule" undoubtedly conflicts with the vital interests of the peoples of both India and Pakistan. This was well understood at the time, and still is understood, by the people of Kashmir.

That is why attempts to set passions alight about religious differences between certain peoples of India could never be in the interests of those peoples. Such attempts can profit only those whose desire it is to see the peoples of Asia divided—those, in particular who would like to exploit the abnormal relations between India and Pakistan, for purposes having

nothing in common with the task of strengthening peace in this region and throughout the world.

Therefore, gentlemen, the sooner a peaceful settlement of the so-called Kashmir question is reached on the basis of unconditional respect for the will of the people of Kashmir which has irrevocably decided to link its fate with that of India, the better it will be, and this will be in full accordance with the Principles and Purposes of the United Nations Charter.

In our opinion, the members of the Security Council can note with satisfaction the statement of the Government of India that India will never take the initiative in starting military action in the Kashmir region. This formal statement constitutes a guarantee given by India. In our view, the Government of Pakistan should give a similar guarantee, if it is also really trying to achieve peace.

**153. Text of the Speech made by Sir Patrick Dean
(United Kingdom) in the Security Council
Meeting No. 1011 held on 4 May 1962**

I propose to be very brief. This Council has listened for some five meetings to full statements by the representative of Pakistan and the Minister of Defence of India. These statements have covered in considerable detail the historical and political aspects of this highly complex question. Both speakers also made comparatively full explanations, from their respective points of view, of the extremely important legal considerations involved. My delegation is grateful to both the representative of Pakistan and the Minister of Defence of India for their full presentations which have certainly been of help in expounding the issues involved, in particular to persons like myself who were not present at earlier meetings of the Security Council on this subject.

My delegation would certainly require more time to study all that has been said here and all the documents, both legal and political, to which reference has been made, before venturing to state any definitive position on the issues involved. Enough, however, has been said in the course of the present

debate alone to make it clear that the respective views and attitudes of the two delegations, of India and Pakistan, are in very many respects still far apart. The reasons for this are manifold, and, in the light of the past, for unintelligible. Each side blames the other, and as the years go by the area of common ground between them certainly appears to my delegation to grow no larger. I say this without attempting in the least to assess responsibility or even to assign the causes in detail. I state it as a fact, and, to the mind of my delegation, with its very close and long-enduring ties with both parties, a most regrettable fact.

My delegation does not wish at this time to make any attempt to weigh the actual or potential risks to the maintenance of peace in the area itself or in the greater region surrounding it, which a continuation of the present deep and long-lasting disputes poses or may pose in the future. Both sides have categorically assured this Council that however dissatisfied they may be with the present situation and at the prospect that it may remain unresolved for some time to come, they do not contemplate the use of force or of measures outside the scope of the Charter of the United Nations in order to alter it or terminate it. My delegation has taken careful note of these assurances and welcomed them without reserve. Other delegations and the Council as well may feel the same, but that in itself cannot discharge the Council from the continuing responsibility placed on it by the Charter to avert any threat to the peace that may be still inherent in the continuation of the present situation and to see to it that the situation does not deteriorate still further, thus endangering to some greater degree the maintenance of peace.

Is there anything more that this Council can or should do in the present state of affairs and at the present moment to discharge its inevitable duty or to begin to help towards a solution? On this my delegation would wish to reserve judgement while taking time to study the legal and political issues involved. My delegation do, however, feel that the solution in the end must be found by the road of negotiation. There are many forms indeed which such negotiation could take. The

155. Text of the Speech made by Mr. Stevenson (United States of America) in the Security Council Meeting No. 1012 held on 15 June 1962

Mr. President, first, let me thank you and the other members of the Council for your kindness and courtesy in re-arranging the hour of this meeting to accomodate me. My schedule, unfortunately, makes it necessary for me to be absent this afternoon and I wanted to express even briefly a few views on the subject of Kashmir before leaving.

The United States, as much as any Member of our Organization, regrets that this fourteen-year-old dispute between two great countries, with both of whom we enjoy the friendliest of relations, has yet to be resolved and is still on our agenda of unfinished business of great importance. It has commanded the attention and taxed the resourcefulness of the members of the Security Council on many occasions and for long intervals of time during these years. Since 1948 some of the most illustrious statesmen ever associated with this Organization have laboured long and hard to advance a solution. General McNaughton of Canada, Sir Owen Dixon of Australia, Mr. Gunnar V. Jarring of Sweden and, since 1951, the present United Nations representative for India and Pakistan on this question, a distinguished citizen of my country, Mr. Frank P. Graham, have all brought their wisdom and experience to bear on this stubborn problem.

Although their efforts and those of the United Nations Commission for India and Pakistan and the Security Council have not yet been rewarded by success, I am sure I express the views of most of the members of the Council that we all have a duty to preserve in our search for a solution to this dispute, a dispute which has poisoned not only the relations between the two countries principally concerned, but which also threatens the peace of the sub-continent.

It has seemed to my delegation that the best approach at this stage of the prolonged debate is to take for a point of departure the area of common ground which exists between the two parties. I refer of course to the United Nations Com-

mission for India and Pakistan (UNCIP) resolutions of 13 August 1948 and 5 January 1949, which were accepted by both parties and which in essence provide for demilitarization of the territory and a plebiscite whereby the population may freely decide the future status of Jammu and Kashmir. Certainly there can be no misunderstanding of paragraph 1 of the UNCIP resolution of 5 January 1949 which reads as follows :

"The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite".

Furthermore, this is in full conformity with the principle of the self-determination of peoples which is enshrined in Article 1 of the Charter as one of the very purposes for which the United Nations exists.

Numerous resolutions have been adopted by the Security Council with a view to furthering the implementation of the UNCIP resolutions. Pursuant to the terms of several of these resolutions, Mr. Graham, with the indefatigable patience of the peace-maker, has made repeated suggestions to the two parties for practical steps for demilitarization and a plebiscite. His last report, dated 28 March 1958, relates in detail his efforts in accordance with the terms of the most recent resolution of the Council on this subject. Unfortunately, one of the parties to the dispute was unable to agree to the five recommendations made by Mr. Graham during his visit to the sub-continent in January and February 1958.

In spite of the long standing and sometimes discouraging history of this dispute, I repeat that we must not lose heart. In his most recent report, Mr. Graham, after reporting the lack of agreement on his five recommendations, makes a further recommendation which, it seems to my delegation, has great relevance today, four years later. In his report, Mr. Graham states as follows :

"...I still express to the Council the hope that the two Governments will keep under consideration the proposal

for a high level conference. I trust that, in their further consideration, they will find it possible promptly themselves to make, without prejudice to their respective positions on the Kashmir question, preparations for holding, within the framework of the Charter of the United Nations, such a conference at the earliest practicable date, covering questions of time, place, auspices and agenda. The agenda, as the parties might choose, might include the basic differences which the parties find to stand in the way of a settlement and such other matters as the parties might find would contribute to 'progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and towards a peaceful settlement'."

We believe that this suggestion deserves the most careful consideration by the members of the Security Council. It was with a view toward facilitating such a high-level conference that President Kennedy offered the services of Mr. Eugene Black, President of the World Bank, to explore with each head of Government the outlines and prospects for negotiations and discussions which hopefully might lead to a final resolution of this troubled and contentious matter.

To our regret, this offer was not accepted by one of the parties. We are convinced that a high-level conference between India and Pakistan which, we believe, would be facilitated by such an exploration, would enable the parties to ascertain the precise areas of disagreements between them and should, we hope, induce that spirit of compromise and magnanimity on both sides without which no problem can ever be truly solved.

In any event, this Council must be prepared in such ways as it can to assist the parties in moving this dispute off dead-centre. India and Pakistan—these two neighbours who share the same sub-continent, who spring from the same national soil, who possess so much common history and who together

contain such an impressive share of the world's population — have now too long dissipated their energies and their resources in this costly conflict.

By removing this dispute, the parties concerned can set an example for statesmen everywhere and can contribute significantly to the cause of world peace. The larger interest of South Asia's peace and security require, it seems to us, the prompt settlement of the Kashmir dispute. We are confident the other members of the Security Council share our conviction that the Council has a definite responsibility to use its best efforts to ensure that such a settlement be attained.

**156. Text of the Speech made by Mr. Hsueh (China)
in the Security Council Meeting No. 1012
held on 15 June 1962**

I do not propose to discuss all of the many issues involved in the complex question which is now under our consideration. As we all know, the India-Pakistan question—or the Kashmir question—is the oldest of all territorial disputes that have been brought up in the United Nations. My delegation happens to be one of those which have participated in all the debates that have taken place on this question at more than one hundred meetings of the Security Council. I believe the position of my Government on the various issues has been made amply clear. In this debate, therefore, I will address myself only to the pertinent basic principles, the importance of which justifies a reaffirmation of our support, and perhaps also to one or two points concerning the latest development which may call for some comment.

It is indeed regrettable that this territorial dispute between India and Pakistan should have remained on the books of the Security Council for more than fourteen years. The latest mission undertaken by Mr. Graham has not, in spite of his diligence and resourcefulness, yielded the hoped-for result. My delegation has carefully studied his last report and wishes to pay tribute to him for his efforts. We have also listened with great attention to the statements made at the earlier meetings

of the Council by the representatives of the two parties. To be frank, I must say that we have found few elements in these statements to justify any hope for an early solution of the long dispute. The two parties seem to remain as far apart on this question as they were fourteen years ago.

However, it cannot be said that the present debate has been in vain. It has been quite useful. It will be recalled that, late last year and early this year, numerous statements were made by persons of considerable influence, both in India and Pakistan, about possible forcible action over Kashmir. These statements, while seemingly justifiable in the eyes of the party making them, sounded warlike to the other. No doubt they have contributed to the rise of tension between the two countries. It will be recalled that Pakistan made the request for the present meetings of the Security Council mainly because, in its belief, such statements made in India, particularly those during the national election, constituted a threat to international peace and security.

Against that background, the Council has now heard, during this debate, categorical guarantees given by both parties that they will not seek a settlement of the question through the use of force. I am sure that the Council warmly welcomes these guarantees. For not only do they help relax the tension and thereby create a calmer atmosphere, which is necessary if any new effort toward a settlement is to succeed at all, but, what is more, they also serve to reinforce, in a general sense, respect for the principle of peaceful settlement of international disputes as contained in our Charter. This support of what may be considered the most fundamental principle of our Organization is all the more welcome, coming as it does at a time when the threat or use of force tends to become again the mode of nations in the settlement of territorial disputes in the name of one high-sounding doctrine or another. My delegation is of the view that, in any resolution that may be adopted on this question, the Council should take due note of these guarantees.

It has been said in connexion with the Kashmir question that life has not stood still but has moved forward and that

much water has passed under the bridge during these fourteen years. I think that is very true. We have heard what the parties have done in these years for the people of Kashmir—about economic progress, about industrial development, about the growth of wealth, about the educational achievements and about the improvement of health conditions. I think we all can and should join the people of Kashmir in their rejoicing over the increasingly better conditions in which they live. My delegation has nothing but admiration for such good work which benefits the people. But it cannot be said that such internal development, which is so desirable and necessary, has caused any change in the legal status of Kashmir.

Nor could the current initiative which is reported to have been taken by Pakistan, to negotiate with the Chinese Communists in regard to the border of Kashmir, have any effect on the status of Kashmir. What Pakistan hopes to gain from such negotiations, I do not know. India's reaction to such negotiations has already been made known in this Council and elsewhere. On instructions from my Government, I wish to put on record that the result of such negotiations, if any, will not be binding on my Government and on the people of China.

It is only fair to all parties concerned to say, that in the eyes of the Security Council, nothing has happened in Kashmir that changes the legal status of that territory. The status of Kashmir remains what it was fourteen years ago. In the absence of an agreement between India and Pakistan, it cannot be determined without regard to the principle of self-determination. This has been the position consistently taken by the Security Council on the Kashmir question. I do not see how it is possible for the Council to take any other position.

The plebiscite elaborately worked out by the United Nations Commission for India and Pakistan, agreed to by the parties and approved by the Security Council, is the means by which the principle of self-determination is to be put into practice in Kashmir. It is the means by which the people of Kashmir are to express freely, under fair and equitable conditions, their will as to the future of the country. It has now been said that such expression has been made through the three elections held

in Kashmir. In all sincerity and with due respect, my delegation has yet to be convinced that these elections could have served the same purpose as the plebiscite is designed to serve. I do not think that the people were consulted in these elections about the future status of Kashmir. Furthermore, the UNCIP resolutions contain detailed provisions concerning demilitarization, withdrawal of troops and other matters, all of which are designed to create fair and equitable conditions so that the plebiscite will be free and impartial and will not be influenced in one way or another. My delegation is constrained to say that the three elections held in Kashmir, however fair and democratic in their own field, are no substitute for the plebiscite and that they have no bearing on the status of Kashmir.

The holding of a plebiscite has been blocked by an impasse which developed at an early state in the implementation of the UNCIP resolutions. It has become increasingly difficult to remove the impasse as time goes on. After all these years, it might be impractical and futile to determine the responsibility for such an impasse. Even if the Council could today make a definite finding as to who and what have obstructed the full implementation of the UNCIP resolutions, it does not seem likely that such a finding would improve the situation and help settle the dispute. When we find a door closed and even locked, we may of course keep on knocking on it persistently in order to have it opened. At the same time, we may also wish to turn around and see if there is another door which may not be so tightly closed. I think that we must continue to probe all possible approaches to a solution of this long-deadlocked dispute.

The Security Council should take advantage of this present debate to urge the two parties to enter into new negotiations. They may wish to do so between themselves or with the help of a third party. As the representative of the United States has just said, the Security Council should be prepared to give them all possible assistance. In the past, the good offices of the Secretary-General have frequently proved helpful in handling delicate and complicated situations. In the present case, the Acting Secretary-General, coming from a country which neighbours both India and Pakistan, can be assumed to have intimate

knowledge and appreciation of the intricacies of the problem. My delegation believes that the services may well be utilized.

Territorial disputes have afflicted many regions of the world in the course of history. Some of them have proven terribly costly, such as Alsace-Lorraine. The leaders of India and Pakistan of course know this, but the two peoples, moved by passionate nationalism and patriotism, may not know it. Let me express the hope that the people of India and the people of Pakistan will face the problem of Kashmir not only with warm hearts, but also with cool heads.

**157. Text of the Speech made by Sir Patrick Dean
(United Kingdom) in the Security Council
Meeting No. 1012 held on 15 June 1962**

When the Security Council last met in May to discuss the India-Pakistan question, my delegation expected that an interval for reflection on the facts then placed before it would be useful before we met again in order to consider further what this Council might do to discharge its responsibilities and to help towards a solution of the Kashmir dispute. In the six weeks that have passed the whole question has been under active consideration by members of the Council and I trust that at the end of our meetings we shall be able to reach a helpful and constructive conclusion.

The situation in Kashmir has shown no signs of improvement since we last met. On the other hand, both India and Pakistan have held faithfully to their assurances that they do not contemplate the use of force or of measures outside the scope of the Charter of the United Nations to alter or terminate the present state of affairs. To this extent we can say that at least the situation is no worse and that the apprehensions that were expressed before the meeting of this Council in February (990th meeting) have, in the event, happily proved unfounded. This encourages us to believe not only that a solution to the dispute is possible, but that the Governments of India and Pakistan will, without recourse to arms, pursue paths which lead to a final solution of this long-standing problem.

In December 1956 Her Majesty's Under-Secretary of State for Commonwealth Relations gave to the United Kingdom Parliament the following statement of British policy on the Kashmir problem :

"Her Majesty's Government have always hoped that the dispute would be settled by agreement between the two countries. That is still their hope. Meanwhile, Her Majesty's Government will continue to support efforts to reach agreement which would give effect to the resolutions of the United Nations."

This remains Her Majesty's Government's policy : we are still convinced that a solution can emerge only from constructive and sincere negotiations between the Governments of India and Pakistan.

Until the India-Pakistan question was raised once more at the Security Council this winter, four years had passed since the last substantive discussion of the matter in this Council. It was the hope of the United Kingdom Government throughout that period, as indeed before, that the two parties would take advantage of this break in international discussion in order to hold negotiations privately which might at least have opened the way to a mutually acceptable solution. We were encouraged in this hope by the settlement since October 1958 of many of the other difficult and complicated matters in dispute between India and Pakistan and by the fact that the leaders of both countries had met from time to time in the course of this period and had, we understood, discussed the problem of Kashmir. This process of reconciliation culminated in the signing, in the autumn of 1961, by President Ayub Khan and Mr. Nehru, of an agreement about the use of the waters of the Indus River Basin. This problem, a matter of vital importance to the economies of both India and Pakistan, was felt at one time to be well-nigh insoluble. But with statesmanship, goodwill and the assistance of the President of the World Bank, Mr. Eugene Black, a solution was found.

This development seemed to us proof of the desire of the Governments of Pakistan and of India to remove all those

obstacles which had prevented a full understanding between them. We have still no doubt that the desire persists but, much to our regret, it has not so far proved possible to find a basis for the settlement of the Kashmir question which would be agreeable to both parties. This continued disagreement between two member countries of the Commonwealth, for both of whom the United Kingdom has friendship and respect based on long years of the closest association, causes my delegation great concern and distress. There are perhaps no two countries in the world that have so many things in common, so many reasons for continued co-operation and amity, as have India and Pakistan. These stretch long into the past and will continue far into the future despite the present difficulties and differences. Both countries are devoting themselves to the economic advance of their peoples : it is no less than tragic that any part of their energies and resources should be diverted to this sterile and arid political dispute.

Anything which the Security Council can do to avoid the prolongation of this unhappy state of affairs should be welcome to the two parties, to their fellow members of the Commonwealth and to the world community as a whole.

This leads me to the question how the Security Council can help at the present moment. As to this, Mr. President, my delegation finds itself in general sympathy and agreement with the considerations advanced this morning in the persuasive statement of the distinguished representative of the United States.

As I mentioned earlier, our view is that this dispute can only be settled by negotiation between the parties. Neither the Security Council nor any other outside body is in a position to dictate a solution. Nevertheless, the Security Council cannot wash its hands of this affair. The past history of discussion before it and its previous decisions make this impossible. We have the clear duty to formulate a view. Further more, I believe that the Security Council can have a positive and helpful role to play.

As I have said, the absence of any progress over the last four years has disappointed our hopes that fruitful negotiations

would take place without some form of friendly outside intervention. The Security Council may be able to help by acting as a catalyst and in preparing the ground for negotiation. The Council should consider whether there is not some procedure which it might recommend with a view to clearing the air and removing the obstacles in order to bring about a negotiation in the most hopeful circumstances.

We naturally hope that any such procedure as may be suggested as the upshot of our discussions here would be welcome to the Governments of both India and Pakistan and would be accepted by them in the same friendly spirit as it is offered.

The United Kingdom Government is encouraged by the precedent of the Indus waters to think that a procedure roughly analogous—that is to say by the two parties availing themselves, to the extent that this might be useful, of the good offices of some third party acceptable to both of them—might lead the way to the solution that I am sure is desired by all. We hope, therefore, that further discussion at this current session will not become too embeded in the past history of the case.

My delegation has deliberately not entered into the rights and wrongs or the merits and demerits of the dispute. We have our views, but we do not feel that it would be helpful to the prospects of solution to utter them at this stage. It is not by the laying of blame but by the good will of those most closely concerned that success in resolving this disput will come.

We therefore most earnestly ask that the Governments of India and Pakistan and the members of this Council consider the matter in the light of the future prospects of solution rather than of past histories of disagreements and disputes.

**158. Text of the Speech made by the President Mr.
A Berard as the representative of France in the
Security Council Meeting No. 1012 held on
15 June 1962**

I thank the representative of the United Kingdom. As no one wishes to speak, in order to advance our work I shall now take the floor as the representative of France.

Our Council is again confronted with a question which it has already examined many times in the course of the last fifteen years. Since 15 August 1947, the problem of Kashmir has almost constantly engaged the attention of international opinion and of the United Nations in particular. That there is a problem, and a serious one, cannot be denied. The Security Council, the General Assembly and representatives of the Organization have, in turn, endeavoured to solve it; in this connexion, I should like to pay a tribute to the work accomplished by Mr. Graham, to his perseverance and to his devotion to the cause of peace in Kashmir. The fact that we are again gathered round this table confirms that all those efforts have hitherto been in vain. We are compelled to admit that, in this domain as in many others, nothing can replace the sovereign will of States in settling the disputes which may arise between them.

This problem, it is true, has particularly complex geographical, ethnic and linguistic aspects, to which have been added, in the last fifteen years, elements of a political, economic and social nature which render it even more thorny. Moreover, the matter has taken on an emotional character, both at Karachi and at Delhi, which is certainly understandable but not conducive to a settlement. I shall not attempt to analyse the various aspects of the question, which the representatives of Pakistan and India have dealt with in detail. I shall refer only to that part of their arguments which concerns the possibilities of solving the problem, for that is the point on which we should concentrate our attention.

On 27 April Mr. Zafrulla Khan declared at this table that his Government's desire "is not to apportion blame, is not to raise prejudice", but that "relationships between India and Pakistan would become closer and the two countries would co-operate in many fields to the mutual advantage of everyone" (1007th meeting, para. 93).

Mr. Jha, for his part, reaffirmed on 1 February last that India would not attack Pakistan or use force against Pakistan. His Government's goal, he continued, was "to create an atmosphere free from any apprehension, and thereby to facilitate the

holding of any negotiations or discussion...for the settlement of this issue" (990th meeting, para. 87).

Those two statements, further confirmed by the highest authorities at Karachi and Delhi, at least reassure us about the means which the two parties intend to employ in asserting their claims to Kashmir; they are not contemplating recourse to force and are willing to enter into negotiations. Those negotiations must of course be more than a mere facade: they should be undertaken with a sincere desire for success and every condition calculated to contribute to their success should be ensured.

There are of course differences of opinion about the way in which such talks should be held. Nevertheless both India and Pakistan have expressed the desire to settle the dispute peacefully that, in my view, is an essential element in the case before us.

In the course of his statements, Mr. Krishna Menon made remarks from time to time of so harsh a nature that they might have seemed to bode no good. Nevertheless, ever since India became a Member of the United Nations it has constantly set itself up to be champion of international harmony and the independence of peoples. Those are the principles which its representative still defends in the Committees of which he is a member. We do not want to question India's faithfulness to those doctrines, both in matters that affect it personally and in problems of concern to other nations.

What can the Security Council do in these circumstances? It is not for us to choose a solution, still less to impose one. Besides, in the view of the representatives of both countries, there is no "threat to the peace, breach of the peace or act of aggression" in the words of Chapter VII of the Charter. It is therefore the provisions of Chapter VI that apply, particularly those of Article 33, which invites "the parties to any dispute, the continuation of which is likely to endanger the maintenance of international peace and security", to seek first of all "a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice". All that the

Security Council can do, under the terms of this Article, is to "call upon the parties to settle their dispute by such means".

This is the framework imposed by the Charter on any action which our Council can take in the present circumstances. I shall express no opinion on the forms and conditions of the negotiations envisaged, because it is the parties concerned which should determine them. That is their right and their responsibility as sovereign States. We can only leave it to them and place our trust in them, since through their representatives they have expressed their willingness to arrive at a settlement by peaceful means, but we must also urge them to act in such a way as to bring about and effective relaxation of tension in their relations as soon as possible.

I should like to assure the representatives of India and Pakistan of my Government's sincere wish that a solution acceptable to both parties will be found to the problem of Kashmir. Both of them know that France maintains friendly relations with their countries which it intends to preserve and strengthen.

They may rest assured that my first concern in this debate is to do or say nothing whatever that might impair the atmosphere of Franco-Indian or Franco-Pakistan relations. One of the two representatives has said that the question of Kashmir, "keeps apart two countries which are linked by their traditions their common history and their common language". That is yet another reason why they should settle their dispute rapidly guided by the Preamble of the United Nations Charter whereby the Member States have undertaken "to practice tolerance and live together in peace with one another as good neighbours". Thus will they regain the path of confidence and friendship.

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